

From: [Edwin Quinones](#)
To: R6.DWH.Info@EPA
Subject:
Date: 05/17/2010 03:28 PM
Attachments: [RRT6 - INTERIM Solidifier Policy -- 05-14-2010.pdf](#)
[RRT 6 -- FOSC Guide to Environmental Response -- June, 2008.pdf](#)
[NEPA-CERCLA-OPA.doc](#)
[ASACW Testimony for 18 May Oil Spill to OMB.DOC](#)
[ASACW Testimony for 18 May Oil Spill to OMB.DOC](#)
[Emergencies and NEPA Memorandum 12 May 2010.pdf](#)
[ASACW Testimony for 18 May Oil Spill to OMB.DOC](#)
[ASACW Testimony for 18 May Oil Spill to OMB.DOC](#)
[ASACW Testimony for 18 May Oil Spill to OMB.DOC](#)
[Talking points for Deepwater Horizon Incident 051310.docx](#)
[05 18 10 Draft testimony for LRM.DOC](#)
[05 18 10 Draft testimony for LRM.DOC](#)
[1st Amended Declaration of Emergency.pdf](#)
[SIMPSON-024_clean.doc](#)
[SIMPSON-021-ability to permit ocs OGC edited.doc](#)
[SIMPSON-022-ocs guidelines OGC OCIR edited.doc](#)
[SIMPSON-023-definition of a mobile source OGC edited.doc](#)
[OCS permitting report omb mms comments.doc](#)
[MMS air 30cfr250.302.pdf](#)
[MMS air 30cfr250.303.pdf](#)
[MMS air 30cfr250.304.pdf](#)

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Ethics concern 

Edwin Quinones to: Ben Harrison

05/13/2010
10:20 AM

Cc: "Mr. Mark Hansen", Michael Barra, "Terrie Mikus"

Hi Ben,

Isn't Gulf Breeze in Region 4? The only Gulf Breeze I'm aware of is in Santa Rosa County, Florida. Unless there's another Gulf Breeze in Louisiana? Even so, I agree we need to reimburse BP immediately, regardless of which Region the staff is from.

Ed Q.
x8035

▼ [Ethics concern](#)

Ethics concern

Ben Harrison to: Mr. Mark Hansen, Michael Barra

05/13/2010
10:17 AM

Cc: "Terrie Mikus", "Edwin Quinones"

Mark, yesterday Terrie Mikus informed me that we had two staff from the Gulf Breeze lab who were using a BP vessel for lodging and accepting meals. This is not appropriate. Management Division will figure out how to reimburse BP, but this must be remedied immediately. We can't accept meals and lodging from BP. Mike sent out an advisory on this a week or so ago. Thanks for your assistance.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Slightly different issue regarding BP response

Edwin Quinones to: Mark Hansen

05/13/2010
10:39 AM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 10:39 AM -----

Re: Fw: Slightly different issue regarding BP response 

Ben Harrison to: Justina Fugh, Daniel Fort

05/13/2010
10:38 AM

Cc: Jennie Keith, Michael Barra, "Edwin Quinones"

We are working on getting bp reimbursed but I'm getting push back that we need these people on the boat to oversee sampling ordered by the FOSC. I am not certain about any night sampling, but it would not be possible for them to leave for lunch. But I see this as both an ethics and augmentation issue and unaware of any emergency exceptions. So I'll continue to advise and remind them that the IG has already deployed staff to the Gulf Coast unless those of you much more capable than I can think of something.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Justina Fugh](#)

----- Original Message -----

From: Justina Fugh
Sent: 05/13/2010 12:08 AM EDT
To: Daniel Fort
Cc: Ben Harrison; Jennie Keith; Michael Barra
Subject: Re: Fw: Slightly different issue regarding BP response

Ben --

The only ethical option is for EPA to pay BP for the lodging. We cannot apply 31 USC 1353 (the travel authority). We have to pay BP back AND we should get our people into different facilities. You're right - this looks awful.

If BP won't tell us what we owe, then we have to figure it out using fair market value. Try to do that before going with the government per diem rate.

JF

▼ [Daniel Fort](#)---05/12/2010 04:51:20 PM---Thought you'd like to see this one too. ----- Original Message -----

From: Daniel Fort/DC/USEPA/US
To: fugh.justina@epa.gov
Date: 05/12/2010 04:51 PM
Subject: Fw: Slightly different issue regarding BP response

Thought you'd like to see this one too.

▼ [Ben Harrison](#)

----- Original Message -----

From: Ben Harrison
Sent: 05/12/2010 03:26 PM CDT
To: Daniel Fort; Jennie Keith
Subject: Fw: Slightly different issue regarding BP response

See email below, we have some emergency response personnel who are being housed on a BP Ship. They are accepting lodging and meals from BP during their deployment. I have a problem with this, but

there may be logistical problems with them not being housed on the ships because of location of the work. It is about 50 or 60 miles from shore so that is probably not the only option. Since they are there now, I need an answer very quickly. I know you are very busy with the Ethics conference (wish I was there), but don't want to exacerbate any violations. Thank you.

Ben J. Harrison
Deputy Regional Counsel
US EPA, Region 6
(214) 665-2139

This e-mail may contain material that is confidential, privileged or attorney work product.

----- Forwarded by Ben Harrison/R6/USEPA/US on 05/12/2010 03:15 PM -----

From: Terrie Mikus/R6/USEPA/US
To: Ben Harrison/R6/USEPA/US@EPA
Cc: Michael Barra/R6/USEPA/US@EPA
Date: 05/12/2010 03:05 PM
Subject: Fw: Cross-funding information for BP oil response TAs (Schaeffer and Conmy)

Ben - Mike is out of the office so I cannot discuss this with him. I am concerned with the Ethics of this before even dealing with the accounting issues. Some guidance or opinions would be most helpful here.

Terrie Mikus, Comptroller
Environmental Protection Agency, R6
Dallas, Texas
Office - (214) 665-2147
EPA Cell- (214) 789-2701

----- Forwarded by Terrie Mikus/R6/USEPA/US on 05/12/2010 03:05 PM -----

Fw: Cross-funding information for BP oil response TAs (Schaeffer and Conmy)

Kathleen Robinson to: Terrie Mikus

05/12/2010
02:46 PM

Cc: Carol Tedford, John Spelman

I need your help on this one. We have two EPA employees deployed from the from the EPA Gulf Breeze facility staying on a BP ship. BP has been providing food and lodging on the ship. The travel preparer is asking for verification regarding the reduced per diem to \$3/day. Should the EPA employees be accepting free lodging and food from BP who is the PRP for this oil spill? Should we be paying BP the lodging and food they are providing and if so, how to we do this? I talked to Chris Petersen and Mark Hansen and they both said justification for the EPA employees staying on the BP ship is that they are doing oversight of the BP activities. They also asked for your advice on how to handle this situation.

Kathleen Robinson (6SF-VC)
robinson.kathleen@epa.gov
USEPA - Superfund Division
Work: 214.665.2252
Cell: 972-569-0714
CWS (2nd Friday)
Telework (Wednesday)

----- Forwarded by Kathleen Robinson/R6/USEPA/US on 05/12/2010 02:34 PM -----

From: Carol Tedford/R6/USEPA/US
To: Kathleen Robinson/R6/USEPA/US@EPA
Date: 05/12/2010 02:01 PM
Subject: Fw: Cross-funding information for BP oil response TAs (Schaeffer and Conmy)

Can you answer her last question about the amount they get aboard the BP ship?

----- Forwarded by Carol Tedford/R6/USEPA/US on 05/12/2010 02:00 PM -----

RE: Cross-funding information for BP oil response TAs (Schaeffer and Conmy)

Peggy Rogers to: tedford.carol

05/12/2010
01:43 PM

Cc: greene.rick, murrell.michael, John Macauley

Carol:

I prepare all the TAs for the Ecosystem Dynamics & Effects Branch at GED and Robyn Conmy and Blake Schaeffer are in my group. Last Friday I prepared TAs for both of them so they would have authorization to travel to Louisiana. At that time, we had no idea how long they would be gone or aboard the BP ship so the TA will have to be amended. I think they plan to return on Friday.

I am writing to ask you for the cross-funding information so our Cincinnati Travel Office can insert it in the TAs at their end. I will have to edit each TA and but not sign. The cross-funding information is then inserted by our Cincinnati Travel Office and when it is in place, they email me so I can sign the TA after amending. Then when I prepare their Vouchers, the funding will come from the Deepwater Horizon Incident account.

One other question: When our staff is on a cruise about an EPA ship, their per diem for each day is \$3.00 because meals and lodging are provided. Is it the same for the oil response cruises onboard BP's ship?

Thank you, Peggy

* * * * *

Peggy Rogers
Editor, *Week at a Glance*
SEE Administrative Assistant -EDEB
USEPA/Gulf Ecology Division
1 Sabine Island Drive
Gulf Breeze, FL 32561

850-934-9337 Phone
850-934-2401 Fax

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Call at 11:45ET/10:45CT today 

Edwin Quinones to: James Bove

05/13/2010
10:51 AM

Cc: Earl Salo, John Michaud, Laurel Celeste, Mary-Kay Lynch

I'm currently on another conference call and can't make it, but thanks for letting me know nonetheless.

Ed Q.
214-665-8035
469-463-5487

▼ Call at 11:45ET/10:45CT today

Call at 11:45ET/10:45CT today

James Bove to: John Michaud, Earl Salo, Laurel Celeste, Edwin Quinones

05/13/2010
10:40 AM

Cc: Mary-Kay Lynch

John, Earl, Jim and Mary Kay are confirmed for an 11:45ET/10:45CT call on dispersants as hazardous substance/waste.

Ed, Laurel, if you can make it please shoot me an e-mail. I am going to go down to John/Earl's office to get on the call. Ed we can conference you in if you are available.

Thanks,
Jim

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: BP air

Edwin Quinones to: James Bove, Mary-Kay Lynch, Ben Harrison, Bruce Jones

05/13/2010
10:53 AM

Cc: Janet McCabe, Scott Fulton

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 10:52 AM -----

Re: Fw: BP air 

Rob Lawrence to: Edwin Quinones, Anna Wood, David Coursen

05/13/2010
10:47 AM

Cc: Lucinda Watson, Suzanne Smith

Suzanne - the offshore drilling production operations are OCS sources (covered by CAA Sec 328) and the deepwater ports are not (therefore require EPA air permits).

Anna and I spoke about this subject last August. I can forward you the emails that I sent to her with the information I obtained from MMS at that time, including the contact information for the MMS plans section chief.

Here is what I sent to Larry Starfield this morning (he was looking for the same information):

Larry - probably much more than you want or need to know.

The drilling rigs or production platforms do not receive a permit per se. It is not a separate permit, but the emissions information submitted through these spreadsheets is incorporated in the authorizations that MMS makes on the exploration and development plans. The plans chief for MMS New Orleans also said that MMS completes an emissions inventory for the Gulf on a 3-year cycle and that it includes greenhouse gas emissions.

We did not discuss, and I am not sure how, the air emissions information would be enforced should the actual emissions deviate from authorizations. From conversations with air planning consultants who worked on the LNG terminals, the platforms in the western/central portion of the Gulf would be considered major sources requiring permits if regulated by EPA. Mike Boydston had found the Congressional debate language that pointedly said that EPA would be too restrictive if it was the permitting authority. Less than two months ago, Alaska Sen. Murkowski was trying to strip EPA of air and water permitting authority totally and give it to MMS. So there must be a fairly significant distinction between the two systems if that was seen as needed.

Generally, the MMS regulations are found at 30 CFR 250, with the most germane attached here. Subpart 303 includes the formula for the exemption of further air quality review.



MMS air 30cfr250.302.pdf



MMS air 30cfr250.303.pdf



MMS air 30cfr250.304.pdf

Here is some of the information that I got from MMS New Orleans last August when this topic came up with OAQPS:

Rob -

As discussed, all exploration plans (EP's) and development operations coordination documents (DOCD's) must include air emissions information sufficient to make an air quality determination. These EP and DOCD plans (or permits) include numerous types of information in addition to air emission information.

The air emissions and other types of information (biological, geological, etc.) that operators must submit to MMS are outlined in the Notice to Lessee "Guidance for Submitting Exploration Plans and Development Operations Coordination Documents" (2008-G04). There are other air quality related Notices to Lessees (NTLs) for Accessory Platforms (to Pipelines) and emissions inventories, etc; this is the main guidance supplemental to the regulations.

The spreadsheets used to accomplish the reporting required by the regulations and the NTLs can be found at this website -

<http://www.gomr.mms.gov/homepg/regulate/envIRON/airquality/reporting.html>

These spreadsheets are the bread and butter of our operation.

If you or the folks in North Carolina have further questions on this or related material, I'd be glad to help. Regards, Liz

Elizabeth Peuler
Chief, Plans Section, Field Operations
Minerals Management Service
Gulf of Mexico Region

504-736-2581 (phone)
elizabeth.peuler@mms.gov

Rob Lawrence
Senior Policy Advisor - Energy Issues

lawrence.rob@epa.gov

214.665.6580 (Desk)
214.665.7263 (FAX)

▼ Fw: BP air

Fw: BP air

Edwin Quinones to: Suzanne Smith, Lucinda Watson, Rob Lawrence

05/13/2010
10:17 AM

Suzanne, Rob and Lucinda,

Do you know who I should refer this in air permitting? Region 6 needs to respond to Janet McCabe's and David Coursen's e-mail below. Thanks,

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 10:12 AM -----

Re: BP air 

Suzanne Murray to: David Coursen, Anna Wood, Kelly Fortin, Edwin Quinones, Harrison Ben

05/13/2010
08:46 AM

I am out on travel but Ben and Ed can help
Suzanne Murray, Regional Counsel, R6

▼ David Coursen

----- Original Message -----

From: David Coursen
Sent: 05/13/2010 09:43 AM EDT
To: Anna Wood; Kelly Fortin
Cc: Suzanne Murray
Subject: Fw: BP air

I need to track down some information about air permitting re the BP well that have been so much in the news. Because the well is west of 87/30, permitting is done by MMS. I can address how permitting would be done east of the line, under CAA 328, but don't know much at all about how MMS does its permitting. Any help you can provide would be most welcome. Thanks.

David F. Coursen
Office of General Counsel
Cross-Cutting Issues Law Office
202-564-0781

----- Forwarded by David Coursen/DC/USEPA/US on 05/13/2010 09:40 AM -----

From: Richard Ossias/DC/USEPA/US
To: "David Coursen" <Coursen.David@epamail.epa.gov>, "Paul Versace" <Versace.Paul@epamail.epa.gov>
Cc: "Elliott Zenick" <Zenick.Elliott@epamail.epa.gov>
Date: 05/13/2010 09:31 AM
Subject: Fw: Fw: BP air

You'll see from this message, from earlier than the email exchange we've been on, that Gina has asked Scott if we could work with OAR (Anna Wood would be the one) on a brief fact sheet that says basically what we covered in our email exchange earlier -- why we don't have authority for the air permitting, the fact that DOI does (in consultation with us), whatever we can find out quickly from Kelly Fortin (Region 4) about what DOI generally does on the air part of its permitting and from Region 6 on what DOI did for the BP rig and the new relief well. Speed (and accuracy) are more important than waiting to track down details. David, can you take the lead -- calling or emailing Anna in RTP and consulting Paul and Elliott as necessary? A one-pager would be good, and it would be good to have it by noon, if possible. Thanks.

Sent by EPA Wireless E-Mail Services

▼ [Scott Fulton](#)

----- Original Message -----

From: Scott Fulton
Sent: 05/13/2010 06:57 AM EDT
To: Richard Ossias; Mary-Kay Lynch; Patricia Embrey
Subject: Fw: Fw: BP air

Rich - Can you get something to Mary-Kay and me on this as soon as possible? Thx!

▼ [Janet McCabe](#)

----- Original Message -----

From: Janet McCabe
Sent: 05/12/2010 07:25 PM EDT
To: Gina McCarthy
Cc: Fulton.Scott@EPA.GOV; oster.seth@epa.gov
Subject: Re: Fw: BP air

Let me know how I can help, Scott. Anna Wood is our expert on OCS issues.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

▼ [Gina McCarthy](#)---05/12/2010 07:22:48 PM---Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what

From: Gina McCarthy/DC/USEPA/US
To: oster.seth@epa.gov, Fulton.Scott@EPA.GOV
Cc: Janet McCabe/DC/USEPA/US@EPA, Fulton.Scott@EPA.GOV
Date: 05/12/2010 07:22 PM
Subject: Fw: BP air

Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what permitting is required, based on what law or reg. That way we can all start on the same sound footing.

Scott - Seth is now getting calls on what permits EPA might have issues or should have issues to BP. Do you think you could ask someone to pull together a brief factsheet working with the regions and my staff?

----- Forwarded by Gina McCarthy/DC/USEPA/US on 05/12/2010 07:19 PM -----

From: Janet McCabe/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Date: 05/12/2010 07:02 PM
Subject: BP air

Stan confirmed that in this part of the gulf, EPA does not do air permitting. I have a message in to Larry Starfield in R6, since it's in his region to get any details he has about what, if anything MMS, did or should have done relative to air-related approvals.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460

202-564-3206
mccabe.janet@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: BP air

Edwin Quinones to: Ben Harrison, Rob Lawrence, Janet McCabe, Mary-Kay Lynch

05/13/2010
11:20 AM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 11:20 AM -----

Re: Fw: BP air 

Becky Higgins to: Anna Wood

05/13/2010
11:14 AM

Cc: David Coursen, Edwin Quinones, Lucinda Watson, Rob Lawrence, Suzanne Smith, "Dave Svendsgaard"

Attached is the report that went to the Hill earlier this year in response to a request from the HAC/SAC committees on our OCS responsibilities. I am also attaching some questions we got from the Hill as part of the FY 2011 budget review on OCS permitting.



SIMPSON-024_clean.doc



SIMPSON-021-ability to permit ocs OGC edited.doc



SIMPSON-022-ocs guidelines OGC OCIR edited.doc



SIMPSON-023-definition of a mobile source OGC edited.doc



OCS_permitting report_omb mms comments.doc

▼ Anna Wood---05/13/2010 12:02:06 PM---Pls also check with Dave Svendsgaard and Becky Higgins as we did a short report to congress on ocs p

From: Anna Wood/DC/USEPA/US
To: Rob Lawrence/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, David Coursen/DC/USEPA/US@EPA, "Dave Svendsgaard" <Svendsgaard.Dave@epamail.epa.gov>, "Becky Higgins" <Higgins.Beky@epamail.epa.gov>
Cc: Lucinda Watson/R6/USEPA/US@EPA, Suzanne Smith/R6/USEPA/US@EPA
Date: 05/13/2010 12:02 PM
Subject: Re: Fw: BP air

Pls also check with Dave Svendsgaard and Becky Higgins as we did a short report to congress on ocs permitting. Dave/Becky can you pls send that to the folks on this email. Thx

▼ Rob Lawrence

----- Original Message -----

From: Rob Lawrence
Sent: 05/13/2010 10:47 AM CDT
To: Edwin Quinones; Anna Wood; David Coursen
Cc: Lucinda Watson; Suzanne Smith
Subject: Re: Fw: BP air

Suzanne - the offshore drilling production operations are OCS sources (covered by CAA Sec 328) and the deepwater ports are not (therefore require EPA air permits).

Anna and I spoke about this subject last August. I can forward you the emails that I sent to her with the information I obtained from MMS at that time, including the contact information for the MMS plans section chief.

Here is what I sent to Larry Starfield this morning (he was looking for the same information):

Larry - probably much more than you want or need to know.

The drilling rigs or production platforms do not receive a permit per se. It is not a separate permit, but the emissions information submitted through these spreadsheets is incorporated in the authorizations that MMS makes on the exploration and development plans. The plans chief for MMS New Orleans also said that MMS completes an emissions inventory for the Gulf on a 3-year cycle and that it includes greenhouse gas emissions.

We did not discuss, and I am not sure how, the air emissions information would be enforced should the actual emissions deviate from authorizations. From conversations with air planning consultants who worked on the LNG terminals, the platforms in the western/central portion of the Gulf would be considered major sources requiring permits if regulated by EPA. Mike Boydston had found the Congressional debate language that pointedly said that EPA would be too restrictive if it was the permitting authority. Less than two months ago, Alaska Sen. Murkowski was trying to strip EPA of air and water permitting authority totally and give it to MMS. So there must be a fairly significant distinction between the two systems if that was seen as needed.

Generally, the MMS regulations are found at 30 CFR 250, with the most germane attached here. Subpart 303 includes the formula for the exemption of further air quality review.

[attachment "MMS air 30cfr250.302.pdf" deleted by Anna Wood/DC/USEPA/US]
[attachment "MMS air 30cfr250.303.pdf" deleted by Anna Wood/DC/USEPA/US]
[attachment "MMS air 30cfr250.304.pdf" deleted by Anna Wood/DC/USEPA/US]

Here is some of the information that I got from MMS New Orleans last August when this topic came up with OAQPS:

Rob -

As discussed, all exploration plans (EP's) and development operations coordination documents (DOCD's) must include air emissions information sufficient to make an air quality determination. These EP and DOCD plans (or permits) include numerous types of information in addition to air emission information.

The air emissions and other types of information (biological, geological, etc.) that operators must submit to MMS are outlined in the Notice to Lessee "Guidance for Submitting Exploration Plans and Development Operations Coordination Documents" (2008-G04). There are other air quality related Notices to Lessees (NTLs) for Accessory Platforms (to Pipelines) and emissions inventories, etc; this is the main guidance supplemental to the regulations.

The spreadsheets used to accomplish the reporting required by the regulations and the NTLs can be found at this website -

<http://www.gomr.mms.gov/homepg/regulate/envIRON/airquality/reporting.html>

These spreadsheets are the bread and butter of our operation.

If you or the folks in North Carolina have further questions on this or related material, I'd be glad to help. Regards, Liz

Elizabeth Peuler
Chief, Plans Section, Field Operations
Minerals Management Service
Gulf of Mexico Region
504-736-2581 (phone)
elizabeth.peuler@mms.gov

Rob Lawrence
Senior Policy Advisor - Energy Issues

lawrence.rob@epa.gov

214.665.6580 (Desk)
214.665.7263 (FAX)

▼ [Fw: BP air](#)

Fw: BP air

Edwin Quinones to: Suzanne Smith, Lucinda Watson, Rob Lawrence

05/13/2010
10:17 AM

Suzanne, Rob and Lucinda,

Do you know who I should refer this in air permitting? Region 6 needs to respond to Janet McCabe's and David Coursen's e-mail below. Thanks,

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 10:12 AM -----

Re: BP air 

Suzanne Murray to: David Coursen, Anna Wood, Kelly Fortin, Edwin Quinones, Harrison Ben

05/13/2010
08:46 AM

I am out on travel but Ben and Ed can help
Suzanne Murray, Regional Counsel, R6

▼ [David Coursen](#)

----- Original Message -----

From: David Coursen
Sent: 05/13/2010 09:43 AM EDT
To: Anna Wood; Kelly Fortin
Cc: Suzanne Murray
Subject: Fw: BP air

I need to track down some information about air permitting re the BP well that have been so much in the news. Because the well is west of 87/30, permitting is done by MMS. I can address how permitting would be done east of the line, under CAA 328, but don't know much at all about how MMS does its permitting. Any help you can provide would be most welcome. Thanks.

David F. Coursen
Office of General Counsel
Cross-Cutting Issues Law Office
202-564-0781

----- Forwarded by David Coursen/DC/USEPA/US on 05/13/2010 09:40 AM -----

From: Richard Ossias/DC/USEPA/US
To: "David Coursen" <Coursen.David@epamail.epa.gov>, "Paul Versace" <Versace.Paul@epamail.epa.gov>
Cc: "Elliott Zenick" <Zenick.Elliott@epamail.epa.gov>
Date: 05/13/2010 09:31 AM
Subject: Fw: Fw: BP air

You'll see from this message, from earlier than the email exchange we've been on, that Gina has asked Scott if we could work with OAR (Anna Wood would be the one) on a brief fact sheet that says basically what we covered in our email exchange earlier -- why we don't have authority for the air permitting, the fact that DOI does (in consultation with us), whatever we can find out quickly from Kelly Fortin (Region 4) about what DOI generally does on the air part of its permitting and from Region 6 on what DOI did for the BP rig and the new relief well. Speed (and accuracy) are more important than waiting to track down details. David, can you take the lead -- calling or emailing Anna in RTP and consulting Paul and Elliott as necessary? A one-pager would be good, and it would be good to have it by noon, if possible. Thanks.

Sent by EPA Wireless E-Mail Services

▼ Scott Fulton

----- Original Message -----
From: Scott Fulton
Sent: 05/13/2010 06:57 AM EDT
To: Richard Ossias; Mary-Kay Lynch; Patricia Embrey
Subject: Fw: Fw: BP air

Rich - Can you get something to Mary-Kay and me on this as soon as possible? Thx!

▼ Janet McCabe

----- Original Message -----
From: Janet McCabe
Sent: 05/12/2010 07:25 PM EDT
To: Gina McCarthy
Cc: Fulton.Scott@EPA.GOV; oster.seth@epa.gov
Subject: Re: Fw: BP air

Let me know how I can help, Scott. Anna Wood is our expert on OCS issues.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

▼ Gina McCarthy---05/12/2010 07:22:48 PM---Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what

From: Gina McCarthy/DC/USEPA/US
To: oster.seth@epa.gov, Fulton.Scott@EPA.GOV
Cc: Janet McCabe/DC/USEPA/US@EPA, Fulton.Scott@EPA.GOV
Date: 05/12/2010 07:22 PM
Subject: Fw: BP air

Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what permitting is required, based on what law or reg. That way we can all start on the same sound footing.

Scott - Seth is now getting calls on what permits EPA might have issues or should have issues to BP. Do you think you could ask someone to pull together a brief factsheet working with the regions and my staff?

----- Forwarded by Gina McCarthy/DC/USEPA/US on 05/12/2010 07:19 PM -----


From: Janet McCabe/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA

Date: 05/12/2010 07:02 PM
Subject: BP air

Stan confirmed that in this part of the gulf, EPA does not do air permitting. I have a message in to Larry Starfield in R6, since it's in his region to get any details he has about what, if anything MMS, did or should have done relative to air-related approvals.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Do either of you have the links to the ACPs at issue in this response? 

Edwin Quinones to: James Bove

05/13/2010
11:21 AM

Cc: Craig Carroll, Rebekah Reynolds

Should be getting them soon.

▼ Do either of you have the links to the ACPs at issue in this response?

Do either of you have the links to the ACPs at issue in this response?

James Bove to: Edwin Quinones, Craig Carroll

05/13/2010
09:32 AM

Hi Craig and Ed,

Hope things are good. Do either of you have the internet links to the Area Contingency Plans in play right now on this oil spill, or know who would? This is time critical for us.

Thanks,
Jim

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Cement test mixing discharge -- draft response 

05/13/2010

Edwin Quinones to: Ben Harrison

11:29 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, James Bove, Jerry Saunders, Johnpc Fogarty, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

Mark (Hansen),

Since it appears that either language is acceptable, I'm going to make a call to go with the second option in Jim Bove's e-mail since we're already past the 9:30 a.m. deadline on resolution. Here it is:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. However, as provided in 40 C.F.R. 122.3(d), discharges in compliance with the instructions of the FOSC do not require an NPDES permit..

Unfortunately, it's still open as to how we respond back to BP. I agree with Ben that it should go back the way it came in with a copy to EOC. What is EOC's e-mail address?

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Cement test mixing discharge -- draft response

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Johnpc Fogarty, James Bove

05/13/2010
09:03 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, Edwin Quinones, Jerry Saunders, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

I'd say it goes back the way it came in with cc to EOC. But I'm not averse (and think it may be a good idea) to send it to EOC with a request they get it back to BP, copying the EPA staff who forwarded it so he'll know we closed the loop. Other suggestions?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Johnpc Fogarty

----- Original Message -----

From: Johnpc Fogarty
Sent: 05/13/2010 09:58 AM EDT
To: James Bove
Cc: Ben Harrison; Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; Edwin Quinones; Jerry Saunders; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland
Subject: Re: Cement test mixing discharge -- draft response
I'm ok with either formulation - again, though, what is the manner in which we are conveying this to BP?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ James Bove---05/13/2010 09:54:27 AM---SWERLO is ok with either of the following: The discharge of cement in this manner is not authorized

From: James Bove/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/13/2010 09:54 AM
Subject: Re: Cement test mixing discharge -- draft response

SWERLO is ok with either of the following:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. 40 CFR section 122.3 provides certain exemptions to permit requirements, under certain conditions.

or:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, **as provided in 40 CFR § 122.3**, discharges **in compliance with the instructions** under the direction of the FOSC do not need **require an** NPDES permit coverage.

Thanks,
Jim

▼ MichaelG Lee---05/12/2010 04:34:40 PM---John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES")

From: MichaelG Lee/DC/USEPA/US
To: Johnpc Fogarty/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:34 PM
Subject: Cement test mixing discharge -- draft response

John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES" as an initialism). I don't feel strongly about whether we use "an" or "the" before "FOSC." I thought there was just one relevant FOSC here -- if that's correct then I don't think the difference between "an" and "the" will matter. If there is more than one FOSC or if anyone suspects there may be another at some point, then go with "an."

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Johnpc Fogarty---05/12/2010 04:16:16 PM---This formulation raises fewer concerns from an enforcement perspective, so is preferable from that p

From: Johnpc Fogarty/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:16 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

This formulation raises fewer concerns from an enforcement perspective, so is preferable from that point of view. It may be worth considering saying that discharges in compliance with an FOSC "do not require a NPDES permit" to more closely track the regs. Also, should it be following the instruction of "the" FOSC or "an" FOSC?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ MichaelG Lee---05/12/2010 04:08:00 PM---I would make the following edits: Question: BP is seeking EPA permission to mix and dump overboard

From: MichaelG Lee/DC/USEPA/US
To: Renea Ryland/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/12/2010 04:08 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

I would make the following edits:

Question: BP is seeking EPA permission to mix and dump overboard approx. 200 bbls of cement associated with its "Top Kill" pumping operation.

EPA NPDES Permitting Response: The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, discharges [in compliance with the instructions](#) under the direction of the FOSC do not need NPDES permit coverage.

I cut the third sentence because it is not necessary to assert that the Agency lacks this authority. I edited the last sentence to more closely match EPA's regulations at 40 CFR § 122.3(d).

I will rely on Jim Bove to elevate this with OGC management for our office's sign-off.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Renea Ryland---05/12/2010 03:26:49 PM---Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you ha

From: Renea Ryland/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA
Date: 05/12/2010 03:26 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you have any comments or concerns. Once we have a final draft, I'll send it to Mark to forward to BP. Thanks.
Renea

[attachment "BPCementQuestion.doc" deleted by Johnpc Fogarty/DC/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: COntingency PLans

Edwin Quinones to: James Bove, Rebekah Reynolds, Cate Tierney

05/13/2010
11:38 AM

A link to the RICP is below.

Here's the link to the various Area Contingency Plans:

http://www.epaossc.org/site/links_list.aspx?site_id=5083

Here's the main Regional Response Team Webpage where everything is contained:

http://www.epaossc.org/site/site_profile.aspx?site_id=5083

Let me know if you need anything else.

Ed Q.
214-665-8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 11:35 AM -----

COntingency PLans

Mark Hansen to: Edwin Quinones

05/13/2010
11:31 AM

Ed - per request,

If I can be of assistance or answer any questions, please contact me at (214)665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Associate Director for Prevention and Response(6SF-P)
Superfund Division

U.S. EPA Region 6
1445 Ross Avenue (6SF-P)
Dallas, Texas 75202
Telephone: (214) 665-7548
EPA Cell Phone: (214)789-2162

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

----- Forwarded by Mark Hansen/R6/USEPA/US on 05/13/2010 11:18 AM -----

From: Steve Mason/R6/USEPA/US
To: Mark Hansen/R6/USEPA/US@EPA, Craig Carroll/R6/USEPA/US@EPA, Nancy Jones/R6/USEPA/US@EPA

This is my take on the whole thing.... Mark and Craig, I would like your ideas / comments / on this....

Region 6, through the Region 6 Regional Response Team, has the following documents in place:

- Regional Integrated Contingency Plan (Updated, May, 2010)
www.epaosc.org/region6rrt
Click on Documents, then RICP on the left menu
- Region 6 On Gulf Plan (for coastal areas)
<http://wwwdb.glo.state.tx.us/oilspill/Atlas/atlas/acp/onegulfplan.pdf>
- Sector New Orleans Geographic Response Plan
<http://wwwdb.glo.state.tx.us/oilspill/Atlas/atlas/acp/neworleans/msonneworleansgrp.pdf>
- Sector Morgan City Geographic Response Plan
<http://wwwdb.glo.state.tx.us/oilspill/Atlas/atlas/acp/morgancity/msomorgancitygrp.pdf>

In addition RRT 6 has developed:

- RRT 6 Guidelines for Inshore / Nearshore In-Situ Burn
<http://www.epaosc.org/sites/5083/files/shoreisb.pdf>
- RRT VI Surface Washing PreApproval Plan
http://www.epaosc.org/sites/5083/files/rrt6_surface_washing_preapproval_2003.pdf
- RRT VI Nearshore Dispersant Plan
http://www.epaosc.org/sites/5083/files/rrt6_nearshore_dispersant_eap_031605.pdf
- RRT In-Situ Burn Plan (Parts 1 and 2)
http://www.epaosc.org/sites/5083/files/isb_plan_part1_operations.pdf
http://www.epaosc.org/sites/5083/files/isb_plan_part2_information.pdf

One question that Mathy Stanislaus asked was:

- Do the EPA OSC's have authority to direct disposal decisions under the NCP/RCP's? And if so, what role do they have in coordinating that decision with there state counterparts?

Under 300.120, OSC General responsibilities

(a) The OSC/RPM directs response efforts and coordinates all other efforts at the scene of a discharge or release

Subpart D.

Under 300.305,

(d)(1) In carrying out a response under this section, the OSC may:

(i) Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;

Under 300.310

(c) Oil and contaminated materials recovered in cleanup operations shall be disposed of in accordance with the RCP, ACP, and any applicable laws, regulations, or requirements. RRT and Area Committee guidelines may identify the disposal options available during an oil spill response and may describe what disposal requirements are mandatory or may not be waived by the OSC.

Subpart E.

Under 300.415 Removal Actions

(e) The following removal actions are, as a general rule, appropriate in the types of situations shown; however, this list is not exhaustive and is not intended to prevent the lead agency from taking any other actions deemed necessary under CERCLA, CWA section 311, or other appropriate federal or state enforcement or response authorities, and the list does not create a duty on the lead agency to take action at any particular time:

1. Fences, warning signs, or other security or site control precautions—where humans or animals have access to the release;
2. Drainage controls, for example, run-off or run-on diversion—where needed to reduce migration of hazardous substances or pollutants or contaminants off-site or to prevent precipitation or run-off from other sources, for example, flooding, from entering the release area from other areas;
3. Stabilization of berms, dikes, or impoundments or drainage or closing of lagoons—where needed to maintain the integrity of the structures;
4. Capping of contaminated soils or sludges—where needed to reduce migration of hazardous substances or pollutants or contaminants into soil, ground or surface water, or air;
5. Using chemicals and other materials to retard the spread of the release or to mitigate its effects—where the use of such chemicals will reduce the spread of the release;
6. Excavation, consolidation, or removal of highly contaminated soils from drainage or other areas—where such actions will reduce the spread of, or direct contact with, the contamination;
7. Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances or pollutants or contaminants—where it will reduce the likelihood of spillage; leakage; exposure to humans, animals, or food chain; or fire or explosion;
8. Containment, treatment, disposal, or incineration of hazardous materials—where needed to reduce the likelihood of human, animal, or food chain exposure; or
9. Provision of alternative water supply—where necessary immediately to reduce exposure to contaminated household water and continuing until such time as local authorities can satisfy the need for a permanent remedy.

Under the Region 6 RCP, as well as the Region 4 RCP, both documents address disposal by stating, "Oil and contaminated materials recovered in cleanup operations shall be disposed of in accordance with applicable laws, regulations, or requirements."

Under the E & P Exemption Regulation, waste crude oil from primary field operations, is exempted as RCRA Hazardous Wastes, and are not covered by Subpart C. (40 CFR 261)

The MSDS for COREXIT, issued by the manufacturer, NALCO, states,

- "If this product becomes a waste, it is not a hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA) 40 CFR 261, since it does not have the characteristics of Subpart C, nor is it listed under Subpart D."

A determination that the application of the dispersant to spilled oil creates a hazardous waste under RCRA, Subpart C, while opening up the Superfund for cleanup costs may exempt the cleanup costs from the Oil Spill Liability Trust Fund.

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

----- Forwarded by Steve Mason/R6/USEPA/US on 05/09/2010 06:27 AM -----

From: Nancy Jones/R6/USEPA/US
To: "Steve Mason" <Mason.Steve@epamail.epa.gov>
Date: 05/08/2010 03:26 PM
Subject: Fw: Mathy Stanislaus Request

See below - can you help?

Sent by EPA Wireless E-Mail Services
▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/08/2010 03:09 PM CDT
To: Mark Hansen; Craig Carroll; Nancy Jones
Subject: Fw: Mathy Stanislaus Request
Happy Saturday Everyone!

I spoke with Lee Tyner at OGC this afternoon. And one of the things she specifically asked about is whether Region 6 has any of the plans and guidelines mentioned in 40 CFR 300.310(c) (RCP, ACP, RRT and Area Committee guidelines, ACP guidelines). Do we have this?

Ed Q.
x8035
469-463-5487

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/08/2010 03:05 PM -----

Mathy Stanislaus Request 

EOC to: Edwin Quinones
OGC

05/08/2010
02:55 PM

Sent **Lee Tyner**
by:

▼ EOC Solid Waste---05/08/2010 01:59:27 PM---EOC OGC We received a request from Mathy Stanislaus today concerning On Scene Coordinators (OS

EOC Solid Waste
Sent by: Mario Ierardi

To: EOC OGC@EPA
cc: James Michael/DC/USEPA/US@EPA
Subject: Mathy Stanislaus Request

05/08/2010 01:59 PM

EOC OGC

We received a request from Mathy Stanislaus today concerning On Scene Coordinators (OSCs) authority under the National Contingency and Regional Contingency Plans (NCP/RCP) as it relates to the on going BCP Oil Spill Incident Response. His question is:

**Do the EPA OSC's have authority to direct disposal decisions under the NCP/RCP's?
And if so, what role do they have in coordinating that decision with there state counterparts?**

We have a meeting with Mathy later this afternoon and he asked if we could get back to him with this then. I would appreciate any assistance on this. Thanks, Mario

Sent by EOC Solid Waste

Email Address: EOC_Solid_Waste@epa.gov
Desk Phone: 202.250.8924
Main Phone: 202.564.3850

This email address is a position specific email box.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP 

Edwin Quinones to: Steve Mason, James Bove, Rebekah Reynolds, Cate Tierney

05/13/2010
11:40 AM

Cc: Chris Petersen, Craig Carroll, James Staves, "Nancy Jones", "Susan Webster"

Thanks!

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP

Re: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP 

Steve Mason to: Chris Petersen, James Staves, Craig Carroll, Susan Webster, Edwin Quinones, Nancy Jones

05/13/2010
11:27 AM

Ed

Nancy sent you the links to the RRT site, as well as the links to the RCP, ACP, and other plans...

The RRT page is

www.epaos.org/region6rrt

The RICP is under the documents tab

The link to the ACP and other plans is under the links tab

Sent by EPA Wireless E-Mail Services

▼ Chris Petersen

----- Original Message -----

From: Chris Petersen
Sent: 05/13/2010 11:49 AM EDT
To: Steve Mason; James Staves; Craig Carroll
Subject: Fw: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP

Sent by EPA Wireless E-Mail Services - jcp

▼ Susan Webster

----- Original Message -----

From: Susan Webster
Sent: 05/13/2010 11:26 AM EDT
To: Chris Petersen; John Martin
Cc: Mark Hansen
Subject: Fw: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP

Tx

to -----\Sent by EPA Wireless E-Mail Services.

▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/13/2010 10:11 AM CDT
To: Mark Hansen; Susan Webster
Subject: URGENT!!!! Fw: Need RRT & AC Guidelines, ACP, RCP

On a conference call right now, but please forward to me a PDF or a website link of the RCP, ACP and RRT and ACP guidelines so I can forward to HQ! HQ needs it now! Thanks!

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 10:10 AM -----

Need RRT & AC Guidelines, ACP, RCP

Rebekah Reynolds to: Edwin Quinones

05/13/2010
09:31 AM

Cc: Cate Tierney

Hi Edwin,

Here in OECA, we are looking at all possible options (under several statutes) to direct material to or away from particular disposal areas or specify criteria for disposal. Could you please provide Cate and I with the RRT and AC guidelines, the RCP, and the ACP or direct me to the person who might have this.

Thanks!

Rebekah C. Reynolds
Attorney-Advisor
Office of Site Remediation Enforcement
Office of Enforcement and Compliance Assurance
Environmental Protection Agency
Tel: (202) 564-4306
Fax: (202) 564-0091

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Cement test mixing discharge -- draft response

Edwin Quinones to: Dawn Ison

05/13/2010
11:47 AM

Cc: Brent Larsen

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 11:46 AM -----

Re: Cement test mixing discharge -- draft response 

Edwin Quinones to: Ben Harrison

05/13/2010
11:29 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, James Bove, Jerry Saunders, Johnpc Fogarty, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

From: Edwin Quinones/R6/USEPA/US

To: Ben Harrison/R6/USEPA/US

Cc: Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA

Mark (Hansen),

Since it appears that either language is acceptable, I'm going to make a call to go with the second option in Jim Bove's e-mail since we're already past the 9:30 a.m. deadline on resolution. Here it is:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. However, as provided in 40 C.F.R. 122.3(d), discharges in compliance with the instructions of the FOSC do not require an NPDES permit..

Unfortunately, it's still open as to how we respond back to BP. I agree with Ben that it should go back the way it came in with a copy to EOC. What is EOC's e-mail address?

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Cement test mixing discharge -- draft response

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Johnpc Fogarty, James Bove

05/13/2010
09:03 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, Edwin Quinones, Jerry Saunders, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

I'd say it goes back the way it came in with cc to EOC. But I'm not averse (and think it may be a good idea) to send it to EOC with a request they get it back to BP, copying the EPA staff who forwarded it so he'll know we closed the loop. Other suggestions?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Johnpc Fogarty

----- Original Message -----

From: Johnpc Fogarty
Sent: 05/13/2010 09:58 AM EDT
To: James Bove
Cc: Ben Harrison; Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; Edwin Quinones; Jerry Saunders; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland
Subject: Re: Cement test mixing discharge -- draft response

I'm ok with either formulation - again, though, what is the manner in which we are conveying this to BP?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ James Bove---05/13/2010 09:54:27 AM---SWERLO is ok with either of the following: The discharge of cement in this manner is not authorized

From: James Bove/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/13/2010 09:54 AM
Subject: Re: Cement test mixing discharge -- draft response

SWERLO is ok with either of the following:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. 40 CFR section 122.3 provides certain exemptions to permit requirements, under certain conditions.

or:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, **as provided in 40 CFR § 122.3**, discharges **in compliance with the instructions** under the direction of the FOSC do not need **require an** NPDES permit coverage.

Thanks,
Jim

▼ MichaelG Lee---05/12/2010 04:34:40 PM---John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES")

From: MichaelG Lee/DC/USEPA/US
To: Johnpc Fogarty/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:34 PM
Subject: Cement test mixing discharge -- draft response

John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES" as an initialism). I don't feel strongly about whether we use "an" or "the" before "FOSC." I thought there was just one relevant FOSC here -- if that's correct then I don't think the difference between "an" and "the" will matter. If there is more than one FOSC or if anyone suspects there may be another at some point, then go with "an."

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Johnpc Fogarty---05/12/2010 04:16:16 PM---This formulation raises fewer concerns from an enforcement perspective, so is preferable from that p

From: Johnpc Fogarty/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA

Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:16 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

This formulation raises fewer concerns from an enforcement perspective, so is preferable from that point of view. It may be worth considering saying that discharges in compliance with an FOSC "do not require a NPDES permit" to more closely track the regs. Also, should it be following the instruction of "the" FOSC or "an" FOSC?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ MichaelG Lee---05/12/2010 04:08:00 PM---I would make the following edits: Question: BP is seeking EPA permission to mix and dump overboard

From: MichaelG Lee/DC/USEPA/US
To: Renea Ryland/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/12/2010 04:08 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

I would make the following edits:

Question: BP is seeking EPA permission to mix and dump overboard approx. 200 bbls of cement associated with its "Top Kill" pumping operation.

EPA NPDES Permitting Response: The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, discharges in compliance with the instructions under the direction of the FOSC do not need NPDES permit coverage.

I cut the third sentence because it is not necessary to assert that the Agency lacks this authority. I edited the last sentence to more closely match EPA's regulations at 40 CFR § 122.3(d).

I will rely on Jim Bove to elevate this with OGC management for our office's sign-off.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Renea Ryland---05/12/2010 03:26:49 PM---Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you ha

From: Renea Ryland/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA
Date: 05/12/2010 03:26 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you have any comments or concerns. Once we have a final draft, I'll send it to Mark to forward to BP. Thanks.
Renea

[attachment "BPCementQuestion.doc" deleted by Johnpc Fogarty/DC/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Cement test mixing discharge -- draft response

Edwin Quinones to: Lee Tyner, James Bove

05/13/2010
11:58 AM

Cc: Ben Harrison

Hi Lee and Jim,

I found an e-mail from "EOC OGC" in one of my e-mail chains over the past weekend, but I have no idea how to address an e-mail to "EOC OGC." Can either of you enlighten me on how to do it or help forward this to EOC? Thanks,

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 11:55 AM -----

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Edwin Quinones

05/13/2010
11:37 AM

From: Ben Harrison/R6/USEPA/US

To: Edwin Quinones/R6/USEPA/US@EPA

I think it is just "eoc water" but there may also be an eoc counsel. Look at some of the emails on the methanol questions.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Edwin Quinones](#)

----- Original Message -----

From: Edwin Quinones
Sent: 05/13/2010 11:29 AM CDT
To: Ben Harrison
Cc: Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; James Bove; Jerry Saunders; Johnpc Fogarty; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland

Subject: Re: Cement test mixing discharge -- draft response
Mark (Hansen),

Since it appears that either language is acceptable, I'm going to make a call to go with the second option in Jim Bove's e-mail since we're already past the 9:30 a.m. deadline on resolution. Here it is:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. However, as provided in 40 C.F.R. 122.3(d), discharges in compliance with the instructions of the FOSC do not require an NPDES permit..

Unfortunately, it's still open as to how we respond back to BP. I agree with Ben that it should go back the way it came in with a copy to EOC. What is EOC's e-mail address?

Ed O.
214-665-8035
469-463-5487 cell

▼ Re: Cement test mixing discharge -- draft response

Re: Cement test mixing discharge -- draft response 

Ben to: Johnpc Fogarty, James Bove
Harrison

05/13/2010
09:03 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, Edwin Quinones, Jerry Saunders, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

I'd say it goes back the way it came in with cc to EOC. But I'm not averse (and think it may be a good idea) to send it to EOC with a request they get it back to BP, copying the EPA staff who forwarded it so he'll know we closed the loop. Other suggestions?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Johnpc Fogarty

----- Original Message -----

From: Johnpc Fogarty
Sent: 05/13/2010 09:58 AM EDT
To: James Bove
Cc: Ben Harrison; Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; Edwin Quinones; Jerry Saunders; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland
Subject: Re: Cement test mixing discharge -- draft response

I'm ok with either formulation - again, though, what is the manner in which we are conveying this to BP?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ James Bove---05/13/2010 09:54:27 AM---SWERLO is ok with either of the following: The discharge of cement in this manner is not authorized

From: James Bove/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/13/2010 09:54 AM
Subject: Re: Cement test mixing discharge -- draft response

SWERLO is ok with either of the following:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. 40 CFR section 122.3 provides certain exemptions to permit requirements, under certain conditions.

or:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, **as provided in 40 CFR § 122.3**, discharges **in compliance with the instructions** under the direction of the FOSC do not need **require an** NPDES permit coverage.

Thanks,
Jim

▼ MichaelG Lee---05/12/2010 04:34:40 PM---John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES")

From: MichaelG Lee/DC/USEPA/US
To: Johnpc Fogarty/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:34 PM
Subject: Cement test mixing discharge -- draft response

John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES" as an initialism). I don't feel strongly about whether we use "an" or "the" before "FOSC." I thought there was just one relevant FOSC here -- if that's correct then I don't think the difference between "an" and "the" will matter. If there is more than one FOSC or if anyone suspects there may be another at some point, then go with "an."

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Johnpc Fogarty---05/12/2010 04:16:16 PM---This formulation raises fewer concerns from an enforcement perspective, so is preferable from that p

From: Johnpc Fogarty/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:16 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

This formulation raises fewer concerns from an enforcement perspective, so is preferable from that point of view. It may be worth considering saying that discharges in compliance with an FOSC "do not require a NPDES permit" to more closely track the regs. Also, should it be following the instruction of "the" FOSC or "an" FOSC?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ MichaelG Lee---05/12/2010 04:08:00 PM---I would make the following edits: Question: BP is seeking EPA permission to mix and dump overboard

From: MichaelG Lee/DC/USEPA/US
To: Renea Ryland/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/12/2010 04:08 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

I would make the following edits:

Question: BP is seeking EPA permission to mix and dump overboard approx. 200 bbls of cement associated with its "Top Kill" pumping operation.

EPA NPDES Permitting Response: The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, discharges [in compliance with the instructions](#) under the direction of the FOOSC do not need NPDES permit coverage.

I cut the third sentence because it is not necessary to assert that the Agency lacks this authority. I edited the last sentence to more closely match EPA's regulations at 40 CFR § 122.3(d).

I will rely on Jim Bove to elevate this with OGC management for our office's sign-off.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Renea Ryland---05/12/2010 03:26:49 PM---Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you ha

From: Renea Ryland/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA
Date: 05/12/2010 03:26 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you have any comments or concerns. Once we have a final draft, I'll send it to Mark to forward to BP. Thanks.
Renea

[attachment "BPCementQuestion.doc" deleted by Johnpc Fogarty/DC/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Cement test mixing discharge -- draft response

Edwin Quinones to: EOC Water, EOC Counsel, EOC OGC

05/13/2010
12:07 PM

Hope this goes through....

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 12:06 PM -----

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Edwin Quinones, Lee Tyner, James Bove

05/13/2010
12:05 PM

Just type in EOC Water and EOC Counsel. The system will do the rest. There are 48 mail boxes that start with EOC.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Edwin Quinones](#)

----- Original Message -----

From: Edwin Quinones
Sent: 05/13/2010 11:58 AM CDT
To: Lee Tyner; James Bove
Cc: Ben Harrison
Subject: Fw: Cement test mixing discharge -- draft response
Hi Lee and Jim,

I found an e-mail from "EOC OGC" in one of my e-mail chains over the past weekend, but I have no idea how to address an e-mail to "EOC OGC." Can either of you enlighten me on how to do it or help forward this to EOC? Thanks,

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 11:55 AM -----

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Edwin Quinones

05/13/2010
11:37 AM

From: Ben Harrison/R6/USEPA/US

To: Edwin Quinones/R6/USEPA/US@EPA

I think it is just "eoc water" but there may also be an eoc counsel. Look at some of the emails on the methanol questions.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Edwin Quinones](#)

----- Original Message -----

From: Edwin Quinones
Sent: 05/13/2010 11:29 AM CDT
To: Ben Harrison
Cc: Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; James Bove; Jerry Saunders; Johnpc Fogarty; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland
Subject: Re: Cement test mixing discharge -- draft response
Mark (Hansen),

Since it appears that either language is acceptable, I'm going to make a call to go with the second option in Jim Bove's e-mail since we're already past the 9:30 a.m. deadline on resolution. Here it is:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. However, as provided in 40 C.F.R. 122.3(d), discharges in compliance with the instructions of the FOSC do not require an NPDES permit..

Unfortunately, it's still open as to how we respond back to BP. I agree with Ben that it should go back the way it came in with a copy to EOC. What is EOC's e-mail address?

Ed Q.
214-665-8035
469-463-5487 cell

▼ [Re: Cement test mixing discharge -- draft response](#)

Re: Cement test mixing discharge -- draft response 

Ben Harrison to: Johnpc Fogarty, James Bove

05/13/2010
09:03 AM

Cc: Brent Larsen, Cate Tierney, Claudia Hosch, David Bary, Edwin Quinones, Jerry Saunders, Js Wilson, Marcus Zobrist, Mark Hansen, Mark Peycke, MichaelG Lee, Renea Ryland

I'd say it goes back the way it came in with cc to EOC. But I'm not averse (and think it may be a good idea) to send it to EOC with a request they get it back to BP, copying the EPA staff who forwarded it so he'll know we closed the loop. Other suggestions?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ [Johnpc Fogarty](#)

----- Original Message -----

From: Johnpc Fogarty
Sent: 05/13/2010 09:58 AM EDT
To: James Bove
Cc: Ben Harrison; Brent Larsen; Cate Tierney; Claudia Hosch; David Bary; Edwin Quinones; Jerry Saunders; Js Wilson; Marcus Zobrist; Mark Hansen; Mark Peycke; MichaelG Lee; Renea Ryland
Subject: Re: Cement test mixing discharge -- draft response

I'm ok with either formulation - again, though, what is the manner in which we are conveying this to BP?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ [James Bove---05/13/2010 09:54:27 AM---SWERLO is ok with either of the following: The discharge of cement in this manner is not authorized](#)

From: James Bove/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA

Date: 05/13/2010 09:54 AM
Subject: Re: Cement test mixing discharge -- draft response

SWERLO is ok with either of the following:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. 40 CFR section 122.3 provides certain exemptions to permit requirements, under certain conditions.

or:

The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit. However, **as provided in 40 CFR § 122.3**, discharges **in compliance with the instructions** under the direction of the FOSC do not need **require an** NPDES permit coverage.

Thanks,
Jim

▼ MichaelG Lee---05/12/2010 04:34:40 PM---John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES")

From: MichaelG Lee/DC/USEPA/US
To: Johnpc Fogarty/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:34 PM
Subject: Cement test mixing discharge -- draft response

John's further edits are OK with me, but I use the article "an" before "NPDES" (I pronounce "NPDES" as an initialism). I don't feel strongly about whether we use "an" or "the" before "FOSC." I thought there was just one relevant FOSC here -- if that's correct then I don't think the difference between "an" and "the" will matter. If there is more than one FOSC or if anyone suspects there may be another at some point, then go with "an."

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

▼ Johnpc Fogarty---05/12/2010 04:16:16 PM---This formulation raises fewer concerns from an enforcement perspective, so is preferable from that p

From: Johnpc Fogarty/DC/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/12/2010 04:16 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

This formulation raises fewer concerns from an enforcement perspective, so is preferable from that point of view. It may be worth considering saying that discharges in compliance with an FOSC "do not require a NPDES permit" to more closely track the regs. Also, should it be following the instruction of "the" FOSC or "an" FOSC?

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

▼ MichaelG Lee---05/12/2010 04:08:00 PM---I would make the following edits: Question: BP is seeking EPA permission to mix and dump overboard

From: MichaelG Lee/DC/USEPA/US
To: Renea Ryland/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/12/2010 04:08 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

I would make the following edits:

Question: BP is seeking EPA permission to mix and dump overboard approx. 200 bbls of cement associated with its "Top Kill" pumping operation.

EPA NPDES Permitting Response: The discharge of cement in this manner is not authorized under NPDES General Permit GMG290000. Although the general permit does cover excess cement slurry following cementing operations, BP's proposed activities are beyond the scope of cementing operations contemplated under the permit. ~~EPA has no authority under these circumstances to grant permission for a discharge not otherwise covered under an NPDES permit.~~ However, discharges [in compliance with the instructions](#) under the direction of the FOOSC do not need NPDES permit coverage.

I cut the third sentence because it is not necessary to assert that the Agency lacks this authority. I edited the last sentence to more closely match EPA's regulations at 40 CFR § 122.3(d).

I will rely on Jim Bove to elevate this with OGC management for our office's sign-off.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486


▼ Renea Ryland---05/12/2010 03:26:49 PM---Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you ha

From: Renea Ryland/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Brent Larsen/R6/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA
Date: 05/12/2010 03:26 PM
Subject: Re: Conference Call to discuss Cement test mixing discharge

Hi all. Attached is the draft answer to the cement discharge question. Please let me know if you have any comments or concerns. Once we have a final draft, I'll send it to Mark to forward to BP. Thanks.
Renea

[attachment "BPCementQuestion.doc" deleted by Johnpc Fogarty/DC/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: * FLASH MESSAGE ***; Re: Document Preservation/Litigation Hold: Gulf Oil Spill – Deepwater Horizon** 

Edwin Quinones to: Nancy Dorsey

05/13/2010
01:12 PM

Just to be on the safe side, I would say yes it would apply to media links or summaries compiled from media sent to us from the state.

Ed Q.
x8035

▼ Re: *** FLASH MESSAGE ***; Re: Document Preservation/Litigation Hold: Gulf Oil Spill – Deepwater Horizon

Re: * FLASH MESSAGE ***; Re: Document Preservation/Litigation Hold: Gulf Oil Spill – Deepwater Horizon** 

Nancy Dorsey to: Edwin Quinones

05/13/2010
12:44 PM

Would the hold apply to media links or summaries compiled from media sent to us from the state?

▼ R6 Advisory---05/12/2010 08:34:51 AM---1. U.S. EPA Region 6 Employees: Please be advised that the U.S. Department of Justice has issued a

From: R6 Advisory
To:
Date: 05/12/2010 08:34 AM
Subject: *** FLASH MESSAGE ***; Document Preservation/Litigation Hold: Gulf Oil Spill – Deepwater Horizon

1. U.S. EPA Region 6 Employees: Please be advised that the U.S. Department of Justice has issued a memorandum calling on EPA and other Federal agencies to preserve information related to the Gulf Oil Spill that followed the fire and explosion at the Deepwater Horizon facility operation by BP Exploration & Production, Inc. EPA Headquarters will be providing specific instructions to all employees later this week regarding preserving information. In the meantime, DOJ has directed that “all

[Read More ==>](#) 

[Contact:](#) Edwin Quinones, 6RC-S, 214.665.8035-----

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Ethics concern

Edwin Quinones to: Mark Peycke

05/13/2010
02:43 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 02:43 PM -----

Re: Ethics concern 

Mark Hansen to: Terrie Mikus

05/13/2010
02:25 PM

Cc: "Sam Becker", Ben Harrison, "Lynda Carroll", Edwin Quinones, Michael Barra

I am weighing in on this a little late and don't know if this has already been resolved, but want to make sure everyone understands the situation accurately. The 2 employees are from EPA's Gulf Breeze Florida research facility. The BP ship they are on does not return to port each evening, in fact it stays out in the area of the oil spill for several weeks at a time. We have no way of getting them off the ship each evening and there are no other ways of getting them food. Their mission is to oversee BP's sample collection while applying subsurface dispersant to the oil spill. Hope this helps clarify the issue.

If I can be of assistance or answer any questions, please contact me at (214)665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Associate Director for Prevention and Response(6SF-P)
Superfund Division

U.S. EPA Region 6
1445 Ross Avenue (6SF-P)
Dallas, Texas 75202
Telephone: (214) 665-7548
EPA Cell Phone: (214)789-2162

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

▼ Terrie Mikus---05/13/2010 10:27:23 AM---REOC informs these two staff have to be overseeing the sampling while 40+ miles offshore. I have be

From: Terrie Mikus/R6/USEPA/US
To: Ben Harrison/R6/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Cc: Edwin Quinones/R6/USEPA/US@EPA, "Lynda Carroll" <Carroll.Lynda@epamail.epa.gov>, "Sam Becker" <Becker.Sam@epamail.epa.gov>
Date: 05/13/2010 10:27 AM
Subject: Re: Ethics concern

REOC informs these two staff have to be overseeing the sampling while 40+ miles offshore. I have been in contact with the Cincinnati Finance Center on how to proceed. The two travelers TA will be funded for travel costs to meet ship and per diem which covers incidentals -\$5.00 only. No lodging or meals will be paid.

Meanwhile Cincinnati will provide instructions for us to reimburse BP. We are currently having the TAs revised to reflect NO lodging or meals before funding.

Sent by EPA Wireless E-Mail Services

▼ Ben Harrison

----- Original Message -----
From: Ben Harrison

Sent: 05/13/2010 11:17 AM EDT
To: Mark Hansen; Michael Barra
Cc: Terrie Mikus; Edwin Quinones
Subject: Ethics concern

Mark, yesterday Terrie Mikus informed me that we had two staff from the Gulf Breeze lab who were using a BP vessel for lodging and accepting meals. This is not appropriate. Management Division will figure out how to reimburse BP, but this must be remedied immediately. We can't accept meals and lodging from BP. Mike sent out an advisory on this a week or so ago. Thanks for your assistance.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Ethics concern

Edwin Quinones to: Mark Peycke

05/13/2010
02:44 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 02:43 PM -----

Re: Ethics concern 

Ben Harrison to: Mark Hansen, Terrie Mikus

05/13/2010
02:37 PM

Cc: Sam Becker, Lynda Carroll, Edwin Quinones, Michael Barra, "Justina Fugh", "Daniel Fort", "Jennie Keith"

From: Ben Harrison/R6/USEPA/US

To: Mark Hansen/R6/USEPA/US@EPA, Terrie Mikus/R6/USEPA/US@EPA

Cc: Sam Becker/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Edwin Quinones/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA, "Justina Fugh" <Fugh.Justina@epamail.epa.gov>, "Daniel Fort" <Fort.Daniel@epamail.epa.gov>, "Jennie Keith" <Keith.Jennie@epamail.epa.gov>

It has been temporarily resolved in that they are back on shore. But I understand there may be a need for them to return. Unfortunately, the ethics and appropriations laws don't seem to envision this scenario. There is also the issue of perception. It appears that federal officials charged with overseeing and reporting violations are accepting gifts from the regulated entity. I understand the logistical problems and the need for them to be on the ship.

Justina, what if the employees provide BP payment for their food and lodging when they board?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Mark Hansen](#)

----- Original Message -----

From: Mark Hansen
Sent: 05/13/2010 02:25 PM CDT
To: Terrie Mikus
Cc: Sam Becker; Ben Harrison; Lynda Carroll; Edwin Quinones; Michael Barra
Subject: Re: Ethics concern

I am weighing in on this a little late and don't know if this has already been resolved, but want to make sure everyone understands the situation accurately. The 2 employees are from EPA's Gulf Breeze Florida

research facility. The BP ship they are on does not return to port each evening, in fact it stays out in the area of the oil spill for several weeks at a time. We have no way of getting them off the ship each evening and there are no other ways of getting them food. Their mission is to oversee BP's sample collection while applying subsurface dispersant to the oil spill. Hope this helps clarify the issue.

If I can be of assistance or answer any questions, please contact me at (214)665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Associate Director for Prevention and Response(6SF-P)
Superfund Division

U.S. EPA Region 6
1445 Ross Avenue (6SF-P)
Dallas, Texas 75202
Telephone: (214) 665-7548
EPA Cell Phone: (214)789-2162

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

▼ Terrie Mikus---05/13/2010 10:27:23 AM---REOC informs these two staff have to be overseeing the sampling while 40+ miles offshore. I have be

From: Terrie Mikus/R6/USEPA/US
To: Ben Harrison/R6/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Cc: Edwin Quinones/R6/USEPA/US@EPA, "Lynda Carroll" <Carroll.Lynda@epamail.epa.gov>, "Sam Becker" <Becker.Sam@epamail.epa.gov>
Date: 05/13/2010 10:27 AM
Subject: Re: Ethics concern

REOC informs these two staff have to be overseeing the sampling while 40+ miles offshore. I have been in contact with the Cincinnati Finance Center on how to proceed. The two travelers TA will be funded for travel costs to meet ship and per diem which covers incidentals -\$5.00 only. No lodging or meals will be paid.

Meanwhile Cincinnati will provide instructions for us to reimburse BP. We are currently having the TAs revised to reflect NO lodging or meals before funding.

Sent by EPA Wireless E-Mail Services

▼ Ben Harrison

----- Original Message -----

From: Ben Harrison
Sent: 05/13/2010 11:17 AM EDT
To: Mark Hansen; Michael Barra
Cc: Terrie Mikus; Edwin Quinones
Subject: Ethics concern

Mark, yesterday Terrie Mikus informed me that we had two staff from the Gulf Breeze lab who were using a BP vessel for lodging and accepting meals. This is not appropriate. Management Division will figure out how to reimburse BP, but this must be remedied immediately. We can't accept meals and lodging from BP. Mike sent out an advisory on this a week or so ago. Thanks for your assistance.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

Edwin Quinones to: James Bove

05/13/2010
03:12 PM

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 03:12 PM -----

Fw: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

Edwin Quinones to: Johnpc Fogarty, Js Wilson, Scott Fulton, James Bove, MichaelG Lee, Cate Tierney

05/12/2010
03:22 PM

Cc: Ben Harrison, Mark Peycke, Terry Sykes, Bruuced Jones, Steve Vargo

FYI

This is the State of Louisiana's Declaration regarding waste. Just another factor to consider. Potential legal/compliance confusion with respect to contradictory state and federal decisions on the matter, as well as political repercussions with respect to EPA/State relations.

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/12/2010 03:13 PM -----

Fw: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

Nancy Jones to: Edwin Quinones

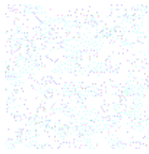
05/12/2010
11:31 AM

See the last appendix

Sent by EPA Wireless E-Mail Services

From: "Harrington, Jerry" [Jerry.Harrington@bp.com]
Sent: 05/07/2010 03:33 PM EST
To: Nancy Jones
Subject: FW: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

From: Wayne Desselle [mailto:Wayne.Desselle@LA.GOV]
Sent: Friday, May 07, 2010 11:13 AM
To: Harrington, Jerry
Subject: FW: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order



Wayne J. Desselle
LDEQ Southeast Regional Office
504-736-7712 (office)
504-736-7702 (fax)

From: Phyllis Luke
Sent: Friday, May 07, 2010 10:11 AM
To: Dwight Bradshaw; Jeff Dauzat; Wayne Desselle; Mike Algero; Tammy Touns (DEQ)
Cc: Betty Brousseau; Toni Evans
Subject: FW: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

FYI-latest and greatest version. Will help with waste issues. Please let BP know it will be on web soon or pass on copy to them. I know they are waiting for this version so they can finish their plan.

PHYLLIS LUKE
Surveillance Division

From: Sanford Phillips
Sent: Friday, May 07, 2010 10:08 AM
To: Betty Brousseau; Phyllis Luke
Cc: Cheryl Nolan
Subject: FW: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

Thanks for all your help putting this together. Please forward to your team as appropriate. The section on waste streams is included as Appendix B (the last page)

Sam Phillips
Administrator Waste Permits
LDEQ
225-219-3386

From: Laura Almond
Sent: Friday, May 07, 2010 9:59 AM
To: Rodney Mallett; Jean Kelly (DEQ)
Cc: Peggy Hatch; Cheryl Nolan; Herman Robinson; Chris Ratcliff; Sanford Phillips
Subject: Deepwater Horizon - 1st Amended Declaration of Emergency and Administrative Order

Attached is the First Amended Declaration of Emergency and Administrative Order for British Petroleum – Deepwater Horizon. Please post to the public webpage as soon as possible.

Thank you,
Laura

Laura Almond
Administrative Assistant
Legal Division
Louisiana Department of Environmental Quality
P.O. Box 4302

Baton Rouge, Louisiana 70821
Telephone 225-219-3980
Fax 225-219-4068



1st Amended Declaration of Emergency.pdf

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Edwin Quinones to: Dawn Ison, Ben Harrison, Mark Hansen, Terry Sykes, Renea Ryland, Bruce Jones, Brent Larsen, Claudia Hosch

05/13/2010
05:07 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 05:07 PM -----

DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Gary Jonesi to: OGC ASSOCIATES, Jonathan Averback, James Bove, James Drummond, Richard Feldman, Marilyn Kuray, MichaelG Lee, Mary-Kay Lynch, Alan Margolis, Steven Neugeboren, Richard Ossias, Leif Palmer, Steve Pressman, Quinones.Edwin, Don Sadowsky, CarolAnn Siciliano, Lee Tyner, BPSpillDocHold

05/13/2010
04:12 PM

Please send any comments to me by 11am tomorrow.
Thanks.

--Gary

Until February 2011, I am on assignment to EPA's Office of General Counsel.
During that time, the only OECA work that I am retaining involves the Discovery Mgmt WG.
I can be reached at:

Gary A. Jonesi
Office of General Counsel (Mail Code 2310-A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4407-C)
Washington, D.C. 20460

202-564-4002 (W)
703-304-6392 (C)
202-564-1428 FAX
jonesi.gary@epa.gov

----- Forwarded by Gary Jonesi/DC/USEPA/US on 05/13/2010 05:09 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jonesi/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/13/2010 05:00 PM
Subject: REVIEW: CEQ Testimony- LRM [EHF-111-383] CEQ Oversight Testimony on Oil Spill- NEPA process

This testimony for Tuesday Senate EPW hearing re: oil spill roles and responsibilities focuses on CEQ's NEPA oversight role and MMS's application of NEPA to offshore drilling decisions.

Please provide any comments or edits to me by NOON, Friday, May 14.



- 051810 Draft testimony for LRM.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Action Requested: Preparation of responses on follow-up actions from Administrator Jackson's meetings in New Orleans, LA 

Edwin Quinones to: Deborah Ponder

05/13/2010
05:25 PM

Cc: hale.jeannine

Well, I don't know if it's the same thing. The question originally posed to me was whether the Oil Pollution Act authorizes the formation of a "community advisory board." Jim Bove at OGC and I scoured the text of OPA and could not find any authority to form an advisory board or committee with the exception of those provisions in the Act that pertain to the Prince William Sound and the Exxon Valdez spill in Alaska.

Of great concern is the formation of any community or citizen board/committee with the word "advisory" in its title. Such entity implies more of an active role in advising and recommending action, and not one that solely receives and shares information. And this is important to note because I could only find two provisions in the NCP on the matter. Both provisions relate only to the exchange of information. I could not find any reference in the NCP that authorizes the formation of any community or citizen *advisory* board or committee that relate to providing advice and recommendations with respect to response actions.

400 CFR 300.155 provides for the "OSCs/RPMs and community relations personnel to ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout the process." The provision calls for coordinating with available public affairs/community relations resources to carry out this responsibility by establishing, as appropriate, a Joint Information Center bringing together resources from federal and state agencies and the responsible party.

40 CFR 300.185 encourages industry groups, academic organizations, and others to commit resources for response operations. The same provision encourages the use of technical and scientific information generated by the local community, along with information from federal, state and local governments, to assist the OSC in devising response strategies where effective standard techniques are unavailable. It is important to note that the provision also requires nongovernmental participation to be in compliance with the requirements of Subpart H of the NCP if any recovery of costs will be sought.

I am not at all familiar with NEJAC, however, I understand it may be another mechanism to use to share information. The National Environmental Justice Advisory Council includes policies and procedures in establishing and fostering public participation in decisions about actions which affect their lives. EPA's *Model Plan for Public Participation*, dated November, 1996, does mention, as part of a government agency checklist for public participation, the establishment of a site-specific "citizen advisory board" where there is sufficient and sustained interest. However, the plan is unclear as to what role, if any, it should play with respect to an emergency response to a spill of national significance where the US Coast Guard has jurisdiction in the outer continental shelf of the Gulf of Mexico. It is important to note that OPA does not allow the use of the Oil Spill Trust Fund to fund or provide establishment of any such advisory board. As such, I do not know how such an entity can be formed and funded pursuant to the policies of NEJAC for the BP spill response without running afoul of the Fund use, especially since the response must be in compliance with the NCP if reimbursement of Fund-spent costs will be sought. Also, the question below states that the citizen advisory board's purpose is to share information with the communities about landfills and staging areas. If that will be the role of such

an entity, I would take out the word "advisory" for the reason given above.

▼ Fw: Action Requested: Preparation of responses on follow-up actions from Administrator Jackson's meetings in New Orleans, LA

Fw: Action Requested: Preparation of responses on follow-up actions from Administrator Jackson's meetings in New Orleans, LA

Deborah to: Edwin Quinones
Ponder

05/13/2010
03:17 PM

Cc: hale.jeannine

Ed, is item b the issue that you stated earlier in the week that you were looking into? Mustafa works in HQ, Office of Env Justice.

Deborah C. Ponder, Deputy Director
Office of Environmental Justice and Tribal Affairs
U.S. Environmental Protection Agency
(214) 665-7461 cell: (214) 789-9121
ponder.deborah@epa.gov

----- Forwarded by Deborah Ponder/R6/USEPA/US on 05/13/2010 03:15 PM -----

Action Requested: Preparation of responses on follow-up actions from Administrator Jackson's meetings in New Orleans, LA

Mustafa to: Deborah Ponder, Shirley Augurson, David Gray, Jeannine Hale
Ali

05/13/2010
02:58 PM

Deborah,

Below are the two questions that we are pulling a response together as a part of the follow-up that the EOC Manager is asking for. We are looking for short responses.

- a. Community education -- Michael Blum of Tulane suggested that the "Center for Public Service" (grad students with a community service requirement) could help explain technical info at community level. **EOC Liaison EJ/Tribal/OEJTA/R6**
- b. "Citizen Advisory Committees" - Can we set these up to help share info w/communities about landfills and staging areas? [Casey DeMoss Roberts, Gulf Restoration Network]. [Need to discuss with LDEQ.] **EOC Liaison EJ/Tribal and OEJTA/R6PD**

Blessings
Mustafa S. Ali
EOC
202-250-8911
202-501-0740 F

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: OPA question 

Edwin to: Edwin Quinones
Quinones

05/13/2010
06:07 PM

Cc: Ben Harrison, Brian Motto, David Gray, Mark Hansen, Robert Kenney, Earl Salo, Deborah Ponder

Mark Peycke pointed me to NEJAC, and I found this:

<http://www.epa.gov/projctxl/nejac.htm>

If you scroll down and look at checklist #12, you'll see it mentions "citizen advisory board." However, it does not say what role such a board would play. Also, the Fund does not authorize its use to fund or provide grant money for such a board, and 40 CFR 185(d) requires nongovernmental participation to be in compliance with Subpart H of the NCP if any recovery of costs will be sought.

Ed Q.
214-665-8035
469-463-5487 cell

▼ [Fw: OPA question](#)

Fw: OPA question

Edwin Quinones to: Robert Kenney

05/12/2010
11:41 AM

Cc: Brian Motto, Ben Harrison, Mark Hansen, David Gray

Hi Robert,

Brian Motto suggested I copy you on this to see if you had any input.

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/12/2010 11:40 AM -----

Re: Fw: OPA question 

James Bove to: Ben Harrison

05/11/2010
05:37 PM

Cc: Bryant Smalley, David Gray, Edwin Quinones, Mark Hansen, Mark Peycke

It's not an answer, but it's a start to an answer, I think...

§ 300.185 Nongovernmental participation.

(a) Industry groups, academic organizations, and others are encouraged to commit resources for response operations. Specific commitments should be listed in the RCP and ACP. Those entities required to develop tank vessel and facility response plans under CWA section 311(j) must be able to respond to a worst case discharge to the maximum extent practicable, and shall commit sufficient resources to implement other aspects of those plans in accordance with the requirements of 30 CFR part 254, 33 CFR parts 150, 154, and 155; 40 CFR part 112; and 49 CFR parts 171 and 194.

(b) The technical and scientific information generated by the local community, along with information from federal, state, and local governments, should be used to assist the OSC/RPM in devising response strategies where effective standard techniques are unavailable. Such information and strategies will be incorporated into the ACP, as appropriate. The SSC may act as liaison between the OSC/RPM and such interested organizations.

(c) ACPs shall establish procedures to allow for well organized, worthwhile, and safe use of volunteers, including compliance with §300.150 regarding worker health and safety. ACPs should provide for the direction of volunteers by the OSC/RPM or by other federal, state, or local officials knowledgeable in contingency operations and capable of providing leadership. ACPs also should identify specific areas in which volunteers can be used, such as beach surveillance, logistical support, and bird and wildlife treatment. Unless specifically requested by the OSC/RPM, volunteers generally should not be used for physical removal or remedial activities. If, in the judgment of the OSC/RPM, dangerous conditions exist, volunteers shall be restricted from on-scene operations.

(d) Nongovernmental participation must be in compliance with the requirements of subpart H of this part if any recovery of costs will be sought.

▼ Ben Harrison---05/11/2010 06:22:33 PM---For those of us without our ncp handy (there should be an ncp app), can you tell us what that partic

From: Ben Harrison/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA
Cc: Bryant Smalley/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/11/2010 06:22 PM
Subject: Re: Fw: OPA question

For those of us without our ncp handy (there should be an ncp app), can you tell us what that particular provision says?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/11/2010 05:19 PM CDT
To: James Bove
Cc: Ben Harrison; Bryant Smalley; David Gray; Mark Hansen; Mark Peycke
Subject: Re: Fw: OPA question

Good find! Not a community advisory board, but it does lay out procedures for nongovernmental participation. Thanks!

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Fw: OPA question

Re: Fw: OPA question 

James Bove to: Edwin Quinones

05/11/2010
05:07 PM

Check 300.185


▼ Edwin Quinones---05/11/2010 06:06:32 PM---Although I found mention of the Unified Command in 40 CFR 300.135(d), I have not yet found inclusio

From: Edwin Quinones/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Bryant Smalley/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Mark Hansen/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA
Date: 05/11/2010 06:06 PM
Subject: Re: Fw: OPA question

Although I found mention of the Unified Command in 40 CFR 300.135(d), I have not yet found inclusion of community involvement with respect to unified command in the NCP (not to say there isn't, but I'm still researching that). However, 40 CFR 300.155(a) provides for the dissemination of information to the public and consideration of public and private interests' concerns. Still cannot find any reference to a community advisory board....

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Fw: OPA question

Re: Fw: OPA question 

Edwin Quinones to: Mark Hansen

05/11/2010
04:08 PM

Cc: David Gray, Bryant Smalley, James Bove, Mark Peycke, Ben Harrison

Mark and David,

Bryant Smalley and I have been researching this issue all afternoon, and I mentioned it at our 3:30 meeting. I've also asked Jim Bove at OGC to weigh in on it.

Thus far, after having scoured through the text of OPA, the only mention Bryant and I can find in the Act on advisory boards and advisory councils relates to the Exxon Valdez spill in Alaska. However, Myron Knudson pointed out during our 3:30 p.m. meeting about the make-up of Unified Command having community involvement (not community advisory board). I'm currently looking into this and hope to have an answer soon.

Ed Q.
x8035
469-463-5487 cell

▼ Fw: OPA question

Fw: OPA question

Mark Hansen to: Edwin Quinones

05/11/2010
03:43 PM

Ed - Can you weigh in on this?

If I can be of assistance or answer any questions, please contact me at (214)665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Associate Director for Prevention and Response(6SF-P)
Superfund Division

U.S. EPA Region 6
1445 Ross Avenue (6SF-P)
Dallas, Texas 75202

Telephone: (214) 665-7548
EPA Cell Phone: (214)789-2162

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

----- Forwarded by Mark Hansen/R6/USEPA/US on 05/11/2010 03:42 PM -----

From: Ronnie Crossland/R6/USEPA/US
To: "Craig Carroll" <carroll.craig@epa.gov>, "Mark Hansen" <hansen.mark@epa.gov>
Date: 05/11/2010 12:59 PM
Subject: Fw: OPA question

Sent by EPA Wireless E-Mail Services

▼ David Gray

----- Original Message -----

From: David Gray
Sent: 05/11/2010 01:27 PM EDT
To: Ronnie Crossland
Subject: OPA question

OPA authorizes community advisory boards - is that right?

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov

Sent from Blackberry

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Fw: Mathy Stanislaus Request 

Edwin Quinones to: Nancy Jones

05/13/2010
06:37 PM

Hi Nancy,

I had a long talk with Richard Franklin about this issue yesterday, based on his oil spill response experience and teaching credentials on OPA funding, and he tends to agree with Jim's view below. He said it didn't matter if the waste was classified as E&P exempt or not. His reasoning is the USCG's response authority is for a crude oil spill, which triggers the use of the Fund, and that the clean-up and subsequent disposal process itself shouldn't affect OPA authority and Fund use.

Anyway, Jim's (OGC's) conclusion below pertains only to the issue of OPA authority if the waste is not considered to be E&P exempt. The other decision on whether or not it's E&P exempt is yet to be made by those in higher management authority.

Ed Q.
214-665-8035

469-463-5487 cell

▼ Fw: Fw: Mathy Stanislaus Request

Fw: Fw: Mathy Stanislaus Request

Nancy Jones to: Edwin Quinones

05/13/2010
06:18 PM

Jim has missed the point. The point is that if the E&P exemption does not apply then OPA authority is jeopardized.

Sent by EPA Wireless E-Mail Services

▼ James Bove

----- Original Message -----

From: James Bove
Sent: 05/13/2010 07:14 PM EDT
To: Edwin Quinones; Earl Salo
Cc: Ben Harrison; James Michael; John Michaud; Johnpc Fogarty; Lee Tyner; Mario Ierardi; Mark Peycke; Mary-Kay Lynch; Nancy Jones; Ross Elliott; Steve Vargo; Terry Sykes
Subject: Re: Fw: Mathy Stanislaus Request

Ed,

Just to close the loop on this-

The make up of the contamination in the Gulf, including oily wastes and dispersants that are hazardous substances under CERCLA and/or RCRA, do not lessen the applicability of CWA 311 or OPA to the contamination. If non-oil substances, e.g. dispersants, are "mixed" with oil, then they are part of the oil under CWA 311 and OPA, and therefore fully subject to those statutes as oil. Even if those substances are not "mixed", they might be incidentally cleaned up by the removal of the oil itself.

Please feel free to contact Earl or myself if you'd like to discuss further.

Thanks,
Jim

▼ Edwin Quinones---05/12/2010 02:52:33 PM---Good question, Ross. After re-reading OPA I have gone in the wrong direction, though, so bear with

From: Edwin Quinones/R6/USEPA/US
To: Ross Elliott/DC/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, James Michael/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, Mario Ierardi/DC/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Nancy Jones/R6/USEPA/US@EPA, Steve Vargo/R6/USEPA/US@EPA, Terry Sykes/R6/USEPA/US@EPA
Date: 05/12/2010 02:52 PM
Subject: Re: Fw: Mathy Stanislaus Request

Good question, Ross. After re-reading OPA I have gone in the wrong direction, though, so bear with me.

Section 1012 of OPA states that the Fund shall be available for the payment of removal costs consistent with the NCP. 40 CFR 300.335 states that the Fund is available under certain circumstances to fund removal of oil performed under Section 311 of the CWA.

Section 1001(23) of OPA defines "oil" as "oil of any kind or in any form, including petroleum, fuel oil, sludge, *oil refuse* and *oil mixed with wastes other than dredged spoil*, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of [CERCLA]...." (Emphasis added.)

I could be wrong, but it would appear that as long as the oil mix does is not considered a "hazardous substance" under CERCLA, then it falls within the definition of OPA as "oil," rendering use of the Fund safe for the response action for disposal purposes. But if the oil mix is considered a "hazardous substance," then it is no longer considered "oil" under OPA, jeopardizing use of the Fund and possibly jeopardizing future response cost reimbursement under OPA. Am I reading this wrong? Anyone at HQ have any thoughts on that? Or have I gone in a completely wrong direction that has nothing to do with whether a determination is made that the E&P exemption does not apply or if they test RCRA

hazardous?

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Fw: Mathy Stanislaus Request

Re: Fw: Mathy Stanislaus Request 

Ross to: Edwin Quinones
Elliott

05/12/2010
12:01 PM

Cc: Ben Harrison, James Bove, James Michael, John Michaud, Johnpc Fogarty, Lee Tyner, Mario Ierardi, Mark Peycke, Mary-Kay Lynch, Nancy Jones, Steve Vargo, Terry Sykes

Thank you Edwin. To clarify, when you say, "...impact this might have....if a hazardous waste classification is made." Do you mean, "if a determination is made that the E&P exemption does not apply" (where the waste may or may not test as RCRA hazardous), or, are you specifically describing only wastes that would test RCRA hazardous, and would be regulated as such in the absence of the E&P exemption?

Thanks.

Ross

▼ Edwin Quinones---05/12/2010 12:53:53 PM---Based on our 9 a.m. phone call this morning, I am forwarding an e-mail chain from last week that ha

From: Edwin Quinones/R6/USEPA/US
To: Ross Elliott/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, James Michael/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA
Cc: Nancy Jones/R6/USEPA/US@EPA, Ben Harrison/R6/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Mario Ierardi/DC/USEPA/US@EPA, Terry Sykes/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Steve Vargo/R6/USEPA/US@EPA
Date: 05/12/2010 12:53 PM
Subject: Fw: Mathy Stanislaus Request

Based on our 9 a.m. phone call this morning, I am forwarding an e-mail chain from last week that had not been previously forwarded to HQ. My apologies for that. And if any of the recipients know of someone that I've missed that should have received this, please forward it to them.

The original question posed is at the bottom of the chain. Lee Tyner's draft response is immediately above it.

One of the main concerns that Ben Harrison, Nancy Jones and I have was the impact this might have on the use of the Oil Spill Trust Fund if a hazardous waste classification is made.

Additional concerns the OSCs and the Response Branch have are

- 1) Precedent it might set for future EPA-lead responses to oil spills in navigable waters
- 2) Potential increase in costs incurred by EPA responding to spills as a result of precedent
- 3) Potential for past oil spill responses coming into question

Lastly, Nancy Jones asked that I also forward the following she sent me in an e-mail:

- Crude oil is a naturally occurring product
yes

- Dispersant is applied according to manufacturers specifications
I can't verify this is correct. The amount being applied is unprecedented. The subsea applications "tests" are unprecedented.

- Dispersant are on the Subpart J Product Schedule
yes

- Haz waste operations cannot be paid for by OSLTF

Correct - Oil and oily waste are covered. The concern is that if we categorize oil as hazardous waste then there could be ramifications for reimbursement.

- implications considering historical practices

If there is some decision during this response that the E & P exemption does not apply, there is a concern that past responses could be in question about whether they were handled correctly.

- Landfills will have (or should have) no nav water threats

According to LDEQ, no nav water threats - The appropriate landfills for this type of waste should be lined.

- Regional funds available for landfill monitoring if conducted

PRFA funds can not be used for this activity. It is not appropriate to use CERCLA or OPA funds for this either.

Ed Quinones
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/12/2010 11:27 AM -----

Re: Mathy Stanislaus Request 

Nancy Jones to: Ben Harrison

05/08/2010
04:25 PM

Cc: Edwin Quinones, R6 DWH Info

yes - which again is not does not have reimbursement options.
▼ Re: Mathy Stanislaus Request

Re: Mathy Stanislaus Request 

Ben Harrison to: Nancy Jones, Edwin Quinones, R6 DWH Info

05/08/2010
04:15 PM

So we'd have to make an ISE determination and proceed under RCRA? But do we have jurisdiction since this has been declared a spill of national significance?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Nancy Jones

----- Original Message -----

From: Nancy Jones
Sent: 05/08/2010 05:00 PM EDT
To: Edwin Quinones; Ben Harrison; R6 DWH Info
Subject: Re: Mathy Stanislaus Request

I concur with Ben. Further, USCG would no longer have authority there for cost reimbursement would be jeopardized. Also, we would not have authority under CERCLA has despite the waste classification it is still oil and oil is excluded under CERCLA.

Sent by EPA Wireless E-Mail Services

▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/08/2010 03:54 PM CDT
To: Nancy Jones
Subject: Fw: Mathy Stanislaus Request

Hi Nancy,

Do you have any input to add to this? Ben also mentioned that if it's classified as hazardous, there's a question as to whether the oil trust fund can be used.

Ed Q.
x8035
469-463-5487

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/08/2010 03:50 PM -----

Re: Mathy Stanislaus Request 

Ben Harrison to: Edwin Quinones

05/08/2010
03:44 PM

I'm not certain, it's been way too long for me. Forward Lee's answer to Nancy Jones since she raised the issue. I have some questions of my own. If the slick is classified as hazardous and we have to proceed under CERLA rather than OPA, how does that impact jurisdiction and USCG activities?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/08/2010 03:11 PM CDT
To: Ben Harrison
Subject: Fw: Mathy Stanislaus Request

Hi Ben,

Do you know if Lee's tentative answer is below correct?

Ed Q.
x8035
469-463-5487

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/08/2010 03:10 PM -----

Re: Fw: Mathy Stanislaus Request 

Lee Tyner to: Edwin Quinones

05/08/2010
03:01 PM

Can you explain that? Is it because if there is a haz. waste it would be a haz. substance under CERCLA and we would use the Superfund rather than the Oil Fund?

▼ Edwin Quinones---05/08/2010 03:39:47 PM---Hi Lee, Please see Ben's comment below that Mathy should be made aware that a haz waste determinati

From: Edwin Quinones/R6/USEPA/US
To: Lee Tyner/DC/USEPA/US@EPA
Date: 05/08/2010 03:39 PM
Subject: Fw: Mathy Stanislaus Request

Hi Lee,

Please see Ben's comment below that Mathy should be made aware that a haz waste determination would adversely impact the ability to use the trust fund.

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/08/2010 02:38 PM -----

Re: Mathy Stanislaus Request 

Ben Harrison to: Edwin Quinones

05/08/2010
02:10 PM

Reply to Lee that Mathy should be made aware that a haz waste determination would adversely impact the ability to use the trust fund.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Edwin Quinones

----- Original Message -----

From: Edwin Quinones
Sent: 05/08/2010 01:54 PM CDT
To: Ben Harrison; Terry Sykes
Cc: Nancy Jones; Craig Carroll; Mark Peycke
Subject: Fw: Mathy Stanislaus Request

This just in....

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/08/2010 01:53 PM -----

Mathy Stanislaus Request 

EOC OGC to: Edwin Quinones

05/08/2010
01:48 PM


Sent **Lee Tyner**
by:

Ed, I should probably have sent this to you, too. Lee

▼ EOC OGC---05/08/2010 02:27:28 PM---Mary Kay --- this question in from Mathy. Based on the draft Q&A's I got from Laurel I would answer it as follows, but since th

EOC OGC

Sent by: Lee Tyner

To: Mary-Kay Lynch/DC/USEPA/US
cc: James Bove/DC/USEPA/US@EPA
Subject: Mathy Stanislaus Request 

05/08/2010 02:27 PM

Mary Kay --- this question in from Mathy. Based on the draft Q&A's I got from Laurel I would answer it as follows, but since the question comes from the AA, the answer should probably come from your level rather than mine.

Generally no. Under RCRA, BP is free to use any landfill with a proper permit or other state authorization to dispose of waste. However, if EPA determines that the disposal of solid or hazardous waste at a particular facility "may present an imminent and substantial endangerment," then EPA under RCRA § 7003 may take actions necessary to protect human health and the environment, including issuing an administrative order directing that waste not be disposed of at that facility. Short of issuing an order, EPA may encourage responsible parties to take certain factors into consideration in selecting landfills, such as the compliance history of the landfill or whether there are landfills that are not in close proximity to a community that may already be highly impacted by the spill.

Lee 202 280 8920

▼ EOC Solid Waste---05/08/2010 01:59:27 PM---EOC OGC We received a request from Mathy Stanislaus today concerning On Scene Coordinators (OS

EOC Solid Waste

Sent by: Mario Ierardi

To: EOC OGC@EPA
cc: James Michael/DC/USEPA/US@EPA
Subject: Mathy Stanislaus Request

05/08/2010 01:59 PM

EOC OGC

We received a request from Mathy Stanislaus today concerning On Scene Coordinators (OSCs) authority under the National Contingency and Regional Contingency Plans (NCP/RCP) as it relates to the on going BCP Oil Spill Incident Response. His question is:

**Do the EPA OSC's have authority to direct disposal decisions under the NCP/RCP's?
And if so, what role do they have in coordinating that decision with there state counterparts?**

We have a meeting with Mathy later this afternoon and he asked if we could get back to him with this then. I would appreciate any assistance on this. Thanks, Mario

Sent by EOC Solid Waste

Email Address: EOC_Solid_Waste@epa.gov
Desk Phone: 202.250.8924
Main Phone: 202.564.3850

This email address is a position specific email box.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: **DRAFT EPA Permit Response Process** 

Edwin Quinones to: Dawn Ison

05/13/2010
06:42 PM

Hi Dawn,

Were you supposed to include a draft as an attachment to your e-mail?

Also, I know Claudia's and Brent's last names are Hosch and Larsen, respectively. Would you please give me Isaac's, Scott's, Miguel's (Torres?), Bill's (Honker?) and Karen's? Although I've been here 13 years, I've never worked with the esteemed WQ Permit team, so I don't know all their names.

Thanks,

Ed Q.
214-665-8035
469-463-5487 cell

▼ [DRAFT EPA Permit Response Process](#)

DRAFT EPA Permit Response Process

Dawn Ison to: Edwin Quinones

05/13/2010
06:24 PM

From: Dawn Ison/R6/USEPA/US

To: Edwin Quinones/R6/USEPA/US@EPA

Ed,

Please add/edit the names of individuals who should be sent the email. For WQ Permits I am confident the TO; should be Claudia, Brent, Isaac, and Scott, and the CC should be Miguel, Bill, Karen, and Dawn. The rest (enforcement and attorneys) I just made an attempt.

Let me know what you think, then we can forward to the group for their input.

Thanks,

Dawn Ison
Environmental Scientist

U.S. EPA Region 6
214-665-2162 (office)
972-974-2075 (cell)

Be kind to the environment.
Please don't print this email unless necessary.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: DRAFT EPA Permit Response Process

Edwin Quinones to: Dawn Ison

05/13/2010
07:08 PM

Got it. Thanks!

Ed Q.

▼ Re: DRAFT EPA Permit Response Process

Re: DRAFT EPA Permit Response Process 

Dawn Ison to: Edwin Quinones

05/13/2010
07:05 PM

Trying Again...

[attachment "Process for Permit questions_5-13-10.doc" deleted by Edwin Quinones/R6/USEPA/US]

Dawn Ison
Environmental Scientist

U.S. EPA Region 6
214-665-2162 (office)
972-974-2075 (cell)

Be kind to the environment.
Please don't print this email unless necessary.

▼ Edwin Quinones---05/13/2010 06:42:11 PM---Hi Dawn, Were you supposed to include a draft as an attachment to your e-mail? Also, I know Claudia

From: Edwin Quinones/R6/USEPA/US
To: Dawn Ison/R6/USEPA/US@EPA
Date: 05/13/2010 06:42 PM
Subject: Re: DRAFT EPA Permit Response Process

Hi Dawn,

Were you supposed to include a draft as an attachment to your e-mail?

Also, I know Claudia's and Brent's last names are Hosch and Larsen, respectively. Would you please give me Isaac's, Scott's, Miguel's (Torres?), Bill's (Honker?) and Karen's? Although I've been here 13 years, I've never worked with the esteemed WQ Permit team, so I don't know all their names.

Thanks,

Ed Q.
214-665-8035
469-463-5487 cell

▼ DRAFT EPA Permit Response Process

DRAFT EPA Permit Response Process

Dawn Ison to: Edwin Quinones

05/13/2010
06:24 PM

From: Dawn Ison/R6/USEPA/US
To: Edwin Quinones/R6/USEPA/US@EPA

Ed,

Please add/edit the names of individuals who should be sent the email. For WQ Permits I am confident the TO; should be Claudia, Brent, Isaac, and Scott, and the CC should be Miguel, Bill, Karen, and Dawn. The rest (enforcement and attorneys) I just made an attempt.

Let me know what you think, then we can forward to the group for their input.

Thanks,

Dawn Ison
Environmental Scientist

U.S. EPA Region 6
214-665-2162 (office)
972-974-2075 (cell)

Be kind to the environment.
Please don't print this email unless necessary.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: legal questions that arise in the field-BP Oil Spill 

Edwin Quinones to: Ben Harrison

05/13/2010
10:58 PM

Cc: "Darrin Swartz-Larson", "Mary-Kay Lynch"

I think that's a great idea.

Ed Q.
214-665-8035
469-463-5487 cell

-----Ben Harrison/R6/USEPA/US wrote: -----

To: "Edwin Quinones" <Quinones.Edwin@epamail.epa.gov>, "Darrin Swartz-Larson" <Swartz-Larson.Darrin@epamail.epa.gov>
From: Ben Harrison/R6/USEPA/US
Date: 05/13/2010 10:14PM
Cc: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Subject: Fw: legal questions that arise in the field-BP Oil Spill

I like this concept. If we set one up going to me, Ed and Mark Hansen we could spread the word in the field and throughout the Region. Legal issues then go to only 2 emails, ours and the ogc. I can coordinate with Mary Kay and Ed can coordinate with Lee or Mike. We are already working together on getting answering questions, if we can get everything funneled to these 2 emails, we can have a more unified response instead of multiple answers. Darrin, can you check on feasibility?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
Mary-Kay Lynch

----- Original Message -----
From: Mary-Kay Lynch

Sent: 05/13/2010 07:16 PM EDT
To: Suzanne Murray; Mary Wilkes; Ben Harrison; Mary-Kay Lynch; James Bove; Lee Tyner

Subject: legal questions that arise in the field-BP Oil Spill
Al Armendariz said on the 5 pm call that BP is approaching different response staff in the field asking the same questions. Ben he said you raised this issue and had a solid waste example. I believe his interest is to try to ensure that there is one answer provided. Ben if the concern is something else please let me know. Assuming this is the issue, then it seems like it would make sense to make sure people are directing the questions relating to legal authority to the OGC EOC mail box(EOC_OGC@epa.gov) with a cc to me, Jim Bove and Lee Tyner. The question is then sent out to the subject matter expert including those in OECA.

If you want to copy additional people that is fine but I am the overall OGC point person with Jim Bove (OPA expert) and Lee Tyner (NCP expert) as my primary support. This mailbox is a way to have one focal point. This has been happening to a large extent but maybe there is a need to further distribute in the region the mailbox address. The real bottom line is the EOC_OGC mailbox but if someone copies me, Jim Bove and Lee Tyner we can move it even faster if it is really late etc. But I understand that if someone is in the field then just using the mailbox address may be more feasible. I know the Water Law Office has a process they would like followed for water law issues but as long as you copy the EOC mailbox (and me Jim and Lee if possible) we have the focal point so we can and move and track the responses. I also have attached the OGC rapid response team contact list. The phone number for the OGC_OGC desk is 202 250-8920) which is on the attached next to Lee's name. Either Lee or Jim are in the EOC on the weekends. For any responses a response would also be copied to the RCs. The attached also has our cell phone and home phone numbers. Please let me know what you think, does this work or do you have other suggestions.
thanks mk 202 564-3162

(See attached file: OIL SPILL RAPID RESPONSE TEAM CONTACT LIST.doc)

[attachment "OIL SPILL RAPID RESPONSE TEAM CONTACT LIST.doc" removed by Edwin Quinones/R6/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: legal questions that arise in the field-BP Oil Spill 

Edwin Quinones to: Ben Harrison

05/13/2010
11:08 PM

Hi Ben,

I like this idea as it would make my job a whole lot easier. I didn't want to mention anything in front of Mary-Kay, but I can still see the process getting bogged down with other HQ attorneys bypassing the process altogether and e-mailing me individually on some of the issues being debated - I get about 10 of those a day, at least! Also, Mary-Kay mentioned the OGC point of contact, but what about the other HQ attorneys not in OGC who've insisted on being included in everything?

Ed Q.

-----Ben Harrison/R6/USEPA/US wrote: -----

To: "Edwin Quinones" <Quinones.Edwin@epamail.epa.gov>, "Darrin Swartz-Larson" <Swartz-Larson.Darrin@epamail.epa.gov>
From: Ben Harrison/R6/USEPA/US
Date: 05/13/2010 10:14PM
Cc: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Subject: Fw: legal questions that arise in the field-BP Oil Spill

I like this concept. If we set one up going to me, Ed and Mark Hansen we could spread the word in the field and throughout the Region. Legal issues then go to only 2 emails, ours and the ogc. I can coordinate with Mary Kay and Ed can coordinate with Lee or Mike. We are already working together on getting answering questions, if we can get everything funneled to these 2 emails, we can have a more unified response instead of multiple answers. Darrin, can you check on feasibility?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
Mary-Kay Lynch

----- Original Message -----

From: Mary-Kay Lynch
Sent: 05/13/2010 07:16 PM EDT
To: Suzanne Murray; Mary Wilkes; Ben Harrison; Mary-Kay Lynch; James Bove; Lee Tyner

Subject: legal questions that arise in the field-BP Oil Spill
Al Armendariz said on the 5 pm call that BP is approaching different response staff in the field asking the same questions. Ben he said you raised this issue and had a solid waste example. I believe his interest is to try to ensure that there is one answer provided. Ben if the concern is something else please let me know. Assuming this is the issue, then it seems like it would make sense to make sure people are directing the questions relating to legal authority to the OGC EOC mail box(EOC_OGC@epa.gov) with a cc to me, Jim Bove and Lee Tyner. The question is then sent out to the subject matter expert including those in OECA.

If you want to copy additional people that is fine but I am the overall OGC point person with Jim Bove (OPA expert) and Lee Tyner (NCP expert) as my primary support. This mailbox is a way to have one focal point. This has been happening to a large extent but maybe there is a need to further distribute in the region the mailbox address. The real bottom line is the EOC_OGC mailbox but if someone copies me, Jim Bove and Lee Tyner we can move it even faster if it is really late etc. But I understand that if someone is in the field then just using the mailbox address may be more feasible. I know the Water Law Office has a process they would like followed for water law issues but as long as you copy the EOC mailbox (and me Jim and Lee if possible) we have the focal point so we can and move and track the responses. I also have attached the OGC rapid response team contact list. The phone number for the OGC_OGC desk is 202 250-8920) which is on the attached next to Lee's name. Either Lee or Jim are in the EOC on the weekends. For any responses a response would also be copied to the RCs. The attached also has our cell phone and home phone numbers. Please let me know what you think, does this work or do you have other suggestions.
thanks mk 202 564-3162

(See attached file: OIL SPILL RAPID RESPONSE TEAM CONTACT LIST.doc)

[attachment "OIL SPILL RAPID RESPONSE TEAM CONTACT LIST.doc" removed by Edwin Quinones/R6/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: legal questions that arise in the field-BP Oil Spill 

Edwin Quinones to: Ben Harrison

05/14/2010
07:45 AM

Sounds good to me.

-----Ben Harrison/R6/USEPA/US wrote: -----

To: Darrin Swartz-Larson/R6/USEPA/US@EPA
From: Ben Harrison/R6/USEPA/US
Date: 05/14/2010 07:17AM
Cc: "Edwin Quinones" <Quinones.Edwin@epamail.epa.gov>
Subject: Re: legal questions that arise in the field-BP Oil Spill

A bit long but sure, sounds fine. Thanks.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
Darrin Swartz-Larson

----- Original Message -----

From: Darrin Swartz-Larson
Sent: 05/14/2010 08:14 AM EDT
To: Ben Harrison
Subject: Re: legal questions that arise in the field-BP Oil Spill
Okay, I'll set up one. REOC_6RC okay?
Ben Harrison

----- Original Message -----

From: Ben Harrison
Sent: 05/14/2010 08:11 AM EDT
To: Darrin Swartz-Larson
Subject: Re: legal questions that arise in the field-BP Oil Spill
Every question from regional folks may not rise to the level of needing ogc and some times they just want to vent. If

we think they need to type only 1, they can use ours and we can send to the ogc one.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
Darrin Swartz-Larson

----- Original Message -----

From: Darrin Swartz-Larson
Sent: 05/14/2010 08:02 AM EDT
To: Ben Harrison; Edwin Quinones
Subject: Re: legal questions that arise in the field-BP Oil Spill

Mail boxes like this seem to be fairly easy to set up. In fact, when they set up 39 email boxes for this response, they may have created one that would work for this. I'll check. One thing you might want to consider is getting access to the OGC one, so that staff in the field only have to type in one email address. This way, you'd also be able to see all the incoming questions and all the responses sent from this box.

Ben Harrison

----- Original Message -----

From: Ben Harrison
Sent: 05/13/2010 11:14 PM EDT
To: Edwin Quinones; Darrin Swartz-Larson
Cc: Mary-Kay Lynch
Subject: Fw: legal questions that arise in the field-BP Oil Spill

I like this concept. If we set one up going to me, Ed and Mark Hansen we could spread the word in the field and throughout the Region. Legal issues then go to only 2 emails, ours and the ogc. I can coordinate with Mary Kay and Ed can coordinate with Lee or Mike. We are already working together on getting answering questions, if we can get everything funneled to these 2 emails, we can have a more unified response instead of multiple answers. Darrin, can you check on feasibility?

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
Mary-Kay Lynch

----- Original Message -----

From: Mary-Kay Lynch
Sent: 05/13/2010 07:16 PM EDT
To: Suzanne Murray; Mary Wilkes; Ben Harrison; Mary-Kay Lynch; James Bove; Lee Tyner

Subject: legal questions that arise in the field-BP Oil Spill

Al Armendariz said on the 5 pm call that BP is approaching different response staff in the field asking the same questions. Ben he said you raised this issue and had a solid waste example. I believe his interest is to try to ensure that there is one answer provided. Ben if the concern is something else please let me know. Assuming this is the issue, then it seems like it would make sense to make sure people are directing the questions relating to legal authority to the OGC EOC mail box(EOC_OGC@epa.gov) with a cc to me, Jim Bove and Lee Tyner. The question is then sent out to the subject matter expert including those in OECA.

If you want to copy additional people that is fine but I am the overall OGC point person with Jim Bove (OPA expert) and Lee Tyner (NCP expert) as my primary support. This mailbox is a way to have one focal point. This has been happening to a large extent but maybe there is a need to further distribute in the region the mailbox address. The real bottom line is the EOC_OGC mailbox but if someone copies me, Jim Bove and Lee Tyner we can move it even faster if it is really late etc. But I understand that if someone is in the field then just using the mailbox address may be more feasible. I know the Water Law Office has a process they would like followed for water law issues but as long as you copy the EOC mailbox (and me Jim and Lee if possible) we have the focal point so we can and move and track the responses. I also have attached the OGC rapid response team contact list. The phone number for the OEC_OGC desk is 202 250-8920) which is on the attached next to Lee's name. Either Lee or Jim are in the EOC on the weekends. For any responses a response would also be copied to the RCs. The attached also has our cell phone and home phone numbers. Please let me know what you think, does this work or do you have other suggestions.
thanks mk 202 564-3162

[attachment "OIL SPILL RAPID RESPONSE TEAM CONTACT LIST.doc" deleted by Darrin Swartz-Larson/R6/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Edwin Quinones to: Hector Pena

05/14/2010
09:22 AM

Cc: Brent Larsen

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 09:22 AM -----

Re: Fw: DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process 

Brent Larsen to: Edwin Quinones

05/14/2010
08:28 AM

Cc: Ben Harrison, Bruce Jones, Claudia Hosch, Dawn Ison, Mark Hansen, Renea Ryland, Terry Sykes

Ed:

Hector Pena (6EN-XP) 5-7453 is one of the Region's folks most familiar with NEPA, has anyone asked for his input on this?

Brent Larsen
Acting Chief
Permits and Technical Assistance Section (6WQ-PP)
NPDES Permits & TMDLs Branch
EPA Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202
214-665-7523
FAX 214-665-2191
larsen.brent@epa.gov

▼ Fw: DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Fw: DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Edwin Quinones to: Dawn Ison, Ben Harrison, Mark Hansen, Terry Sykes, Renea Ryland, Bruce Jones, Brent Larsen, Claudia Hosch

05/13/2010
05:07 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 05:07 PM -----

DUE 11am Fri. May 14 re CEQ Testimony on BP Oil Spill - NEPA process

Gary Jones to: OGC ASSOCIATES, Jonathan Averbach, James Bove, James Drummond, Richard Feldman, Marilyn Kuray, MichaelG Lee, Mary-Kay Lynch, Alan Margolis, Steven Neugeboren, Richard Ossias, Leif Palmer, Steve Pressman, Quinones.Edwin, Don Sadowsky, CarolAnn Siciliano, Lee Tyner, BPSpillDocHold

05/13/2010
04:12 PM

Please send any comments to me by 11am tomorrow.

Thanks.

--Gary

Until February 2011, I am on assignment to EPA's Office of General Counsel.
During that time, the only OECA work that I am retaining involves the Discovery Mgmt WG.
I can be reached at:

Gary A. Jonesi
Office of General Counsel (Mail Code 2310-A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4407-C)
Washington, D.C. 20460

202-564-4002 (W)
703-304-6392 (C)
202-564-1428 FAX
jonesi.gary@epa.gov

----- Forwarded by Gary Jonesi/DC/USEPA/US on 05/13/2010 05:09 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jonesi/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/13/2010 05:00 PM
Subject: REVIEW: CEQ Testimony- LRM [EHF-111-383] CEQ Oversight Testimony on Oil Spill- NEPA process

This testimony for Tuesday Senate EPW hearing re: oil spill roles and responsibilities focuses on CEQ's NEPA oversight role and MMS's application of NEPA to offshore drilling decisions.

Please provide any comments or edits to me by NOON, Friday, May 14.



- 05 18 10 Draft testimony for LRM.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: BP air

Edwin Quinones to: Jeffrey Robinson

05/14/2010
09:24 AM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 09:24 AM -----

Re: Fw: BP air 

Mark Ford to: Edwin Quinones

05/14/2010
07:57 AM

Cc: Patricia Welton

Ed:

Assuming the rig is still considered a Region 6 facility (ie., within our jurisdiction since it is located in navigable waters), that task would go to Jeff Robinson's group on the 6th floor. I do not have a specific contact.

Mark

▼ Fw: BP air

Fw: BP air

Edwin Quinones to: Patricia Welton, Mark Ford

05/13/2010
09:08 AM

Patricia and Mark,

Do you know who does air permitting at ORC?

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/13/2010 09:08 AM -----

Re: BP air 

Suzanne Murray to: David Coursen, Anna Wood, Kelly Fortin, Edwin Quinones, Harrison Ben

05/13/2010
08:46 AM

I am out on travel but Ben and Ed can help
Suzanne Murray, Regional Counsel, R6

▼ David Coursen

----- Original Message -----

From: David Coursen
Sent: 05/13/2010 09:43 AM EDT
To: Anna Wood; Kelly Fortin
Cc: Suzanne Murray
Subject: Fw: BP air

I need to track down some information about air permitting re the BP well that have been so much in the news. Because the well is west of 87/30, permitting is done by MMS. I can address how permitting would be done *east* of the line, under CAA 328, but don't know much at all about how MMS does its permitting. Any help you can provide would be most welcome. Thanks.

David F. Coursen
Office of General Counsel
Cross-Cutting Issues Law Office
202-564-0781

----- Forwarded by David Coursen/DC/USEPA/US on 05/13/2010 09:40 AM -----

From: Richard Ossias/DC/USEPA/US
To: "David Coursen" <Coursen.David@epamail.epa.gov>, "Paul Versace" <Versace.Paul@epamail.epa.gov>
Cc: "Elliott Zenick" <Zenick.Elliott@epamail.epa.gov>
Date: 05/13/2010 09:31 AM
Subject: Fw: Fw: BP air

You'll see from this message, from earlier than the email exchange we've been on, that Gina has asked Scott if we could work with OAR (Anna Wood would be the one) on a brief fact sheet that says basically what we covered in our email exchange earlier -- why we don't have authority for the air permitting, the fact that DOI does (in consultation with us), whatever we can find out quickly from Kelly Fortin (Region 4) about what DOI generally does on the air part of its permitting and from Region 6 on what DOI did for the BP rig and the new relief well. Speed (and accuracy) are more important than waiting to track down details. David, can you take the lead -- calling or emailing Anna in RTP and consulting Paul and Elliott as necessary? A one-pager would be good, and it would be good to have it by noon, if possible. Thanks.

Sent by EPA Wireless E-Mail Services

▼ Scott Fulton

----- Original Message -----

From: Scott Fulton
Sent: 05/13/2010 06:57 AM EDT
To: Richard Ossias; Mary-Kay Lynch; Patricia Embrey
Subject: Fw: Fw: BP air

Rich - Can you get something to Mary-Kay and me on this as soon as possible? Thx!

▼ Janet McCabe

----- Original Message -----

From: Janet McCabe
Sent: 05/12/2010 07:25 PM EDT
To: Gina McCarthy
Cc: Fulton.Scott@EPA.GOV; oster.seth@epa.gov
Subject: Re: Fw: BP air

Let me know how I can help, Scott. Anna Wood is our expert on OCS issues.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

▼ Gina McCarthy---05/12/2010 07:22:48 PM---Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what

From: Gina McCarthy/DC/USEPA/US
To: oster.seth@epa.gov, Fulton.Scott@EPA.GOV
Cc: Janet McCabe/DC/USEPA/US@EPA, Fulton.Scott@EPA.GOV
Date: 05/12/2010 07:22 PM
Subject: Fw: BP air

Seth - I think it would be wise to ask Scott Fulton to provide you the actual legal details on what permitting is required, based on what law or reg. That way we can all start on the same sound footing.

Scott - Seth is now getting calls on what permits EPA might have issues or should have issues to BP. Do you think you could ask someone to pull together a brief factsheet working with the regions and my staff?

----- Forwarded by Gina McCarthy/DC/USEPA/US on 05/12/2010 07:19 PM -----

From: Janet McCabe/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Date: 05/12/2010 07:02 PM
Subject: BP air

Stan confirmed that in this part of the gulf, EPA does not do air permitting. I have a message in to Larry Starfield in R6, since it's in his region to get any details he has about what, if anything MMS, did or should have done relative to air-related approvals.

Janet McCabe
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Edwin Quinones to: Bryant Smalley, Nelson Smith

05/14/2010
10:40 AM

Hi Beau and Bryant,

Is the answer to the question below because of the continuously extending deadline to prepare an SPCC plan for new facilities?

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 10:39 AM -----

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Earl Salo to: Mark Peycke, Edwin Quinones, Craig Matthiessen, Gilberto Irizarry

05/14/2010
10:21 AM

Cc: Lee Tyner

All-

Below, Mary Kay asks why Deepwater Horizon was not required to file SPCC plans. What's the answer?

Earl Salo
Assistant General Counsel for Superfund
Solid Waste and Emergency Response Law Office
Office of General Counsel (2366A)
USEPA
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460
202-564-5504 Fax 202-564-5531

----- Forwarded by Earl Salo/DC/USEPA/US on 05/14/2010 11:16 AM -----

From: Mary-Kay Lynch/DC/USEPA/US

To: James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA

Cc: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/13/2010 08:00 PM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

So that you are in the loop-La is proposing that barrier islands be built to protect the shoreline. The corps would be the lead on this. Two things to keep an eye on-there would be disposal of dredge material. Do we want a qa on this work-authority and then disposal?

Earl, Jim is out tomorrow but can you find out why the Deepwater Horizon was not required to file SPCC plans? This is referenced in the second bullet. Thanks.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/13/2010 07:56 PM -----

From: Scott Fulton/DC/USEPA/US
To: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Date: 05/13/2010 06:53 PM
Subject: Fw: Talking Points from the COE

▼ Sarah Pallone

----- Original Message -----


From: Sarah Pallone
Sent: 05/13/2010 06:06 PM EDT
To: Bob Perciasepe; Diane Thompson; Janet Woodka; Scott Fulton
Subject: Talking Points from the COE
FYI

▼ 1 attachment



Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Edwin Quinones to: Earl Salo

05/14/2010
10:56 AM

Cc: Craig Matthiessen, Gilberto Irizarry, Lee Tyner, Mark Peycke, Bryant Smalley, Nelson Smith

Earl, could it be because of the deadline extending compliance with 40 CFR 112.3 for new facilities? 40 CFR 112.3(c) requires owners or operators of onshore and offshore mobile or portable facilities to prepare and implement an SPCC plan in accordance 40 CFR 112.3(a), (b) and (d). But there is a Federal Register notice extending the deadline for compliance with 112.3 for new facilities until November, 2010 (and I hear it's going to be extended again until 2011). I don't have the Fed. Reg. notice in front of me, though, so I don't know if it also applies to offshore mobile/portable drilling rigs.

However, Craig Matthiessen is correct in that EPA does not have jurisdiction to enforce SPCC violations out in the gulf. EPA has jurisdiction to enforce SPCC offshore rigs inward of the coastal line (not to be confused with the

"coastal zone" for response purposes).

Ed Q.
214-665-8035
469-463-5487 cell

▼ Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Earl Salo to: Mark Peycke, Edwin Quinones, Craig Matthiessen, Gilberto Irizarry

05/14/2010
10:21 AM

Cc: Lee Tyner

All-

Below, Mary Kay asks why Deepwater Horizon was not required to file SPCC plans. What's the answer?

Earl Salo
Assistant General Counsel for Superfund
Solid Waste and Emergency Response Law Office
Office of General Counsel (2366A)
USEPA
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460
202-564-5504 Fax 202-564-5531

----- Forwarded by Earl Salo/DC/USEPA/US on 05/14/2010 11:16 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA
Cc: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/13/2010 08:00 PM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

So that you are in the loop-La is proposing that barrier islands be built to protect the shoreline. The corps would be the lead on this. Two things to keep an eye on-there would be disposal of dredge material. Do we want a qa on this work-authority and then disposal?

Earl, Jim is out tomorrow but can you find out why the Deepwater Horizon was not required to file SPCC plans? This is referenced in the second bullet. Thanks.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/13/2010 07:56 PM -----

From: Scott Fulton/DC/USEPA/US
To: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Date: 05/13/2010 06:53 PM
Subject: Fw: Talking Points from the COE

▼ Sarah Pallone

----- Original Message -----

From: Sarah Pallone
Sent: 05/13/2010 06:06 PM EDT
To: Bob Perciasepe; Diane Thompson; Janet Woodka; Scott Fulton
Subject: Talking Points from the COE
FYI

▼ 1 attachment

[attachment "Talking points for Deepwater Horizon Incident 051310.docx" deleted by Edwin Quinones/R6/USEPA/US]

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: DRAFT EPA Permit Response Process 

Edwin Quinones to: Dawn Ison

05/14/2010
11:00 AM

Hi Dawn,

Never got a chance to say thanks for the draft process you provided. It looks great! As you can imagine, I've been inundated on BP spill issues. Anyway, take heart in knowing that Ben is working with OGC at HQ on a similar draft with respect to legal contacts. I told him of the work you did yesterday, and he was very pleased to hear about it. Thanks!

Ed Q.
x8035
469-463-5487 cell

▼ Re: DRAFT EPA Permit Response Process

Re: DRAFT EPA Permit Response Process 

Dawn Ison to: Edwin Quinones

05/13/2010
07:05 PM

Trying Again...

[attachment "Process for Permit questions_5-13-10.doc" deleted by Edwin Quinones/R6/USEPA/US]

Dawn Ison
Environmental Scientist

U.S. EPA Region 6
214-665-2162 (office)
972-974-2075 (cell)

Be kind to the environment.
Please don't print this email unless necessary.

▼ Edwin Quinones---05/13/2010 06:42:11 PM---Hi Dawn, Were you supposed to include a draft as an attachment to your e-mail? Also, I know Claudia

From: Edwin Quinones/R6/USEPA/US
To: Dawn Ison/R6/USEPA/US@EPA

Hi Dawn,

Were you supposed to include a draft as an attachment to your e-mail?

Also, I know Claudia's and Brent's last names are Hosch and Larsen, respectively. Would you please give me Isaac's, Scott's, Miguel's (Torres?), Bill's (Honker?) and Karen's? Although I've been here 13 years, I've never worked with the esteemed WQ Permit team, so I don't know all their names.

Thanks,

Ed Q.
214-665-8035
469-463-5487 cell

▼ DRAFT EPA Permit Response Process

DRAFT EPA Permit Response Process

Dawn Ison to: Edwin Quinones

05/13/2010
06:24 PM

From: Dawn Ison/R6/USEPA/US

To: Edwin Quinones/R6/USEPA/US@EPA

Ed,

Please add/edit the names of individuals who should be sent the email. For WQ Permits I am confident the TO; should be Claudia, Brent, Isaac, and Scott, and the CC should be Miguel, Bill, Karen, and Dawn. The rest (enforcement and attorneys) I just made an attempt.

Let me know what you think, then we can forward to the group for their input.


Thanks,

Dawn Ison
Environmental Scientist

U.S. EPA Region 6
214-665-2162 (office)
972-974-2075 (cell)

Be kind to the environment.
Please don't print this email unless necessary.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Edwin to: Nelson Smith


05/14/2010
11:01 AM

Quinones

Cc: Bryant Smalley

Man, I need a new reg book. My old version doesn't even have 112.1(d)(3). Anyway, thanks for the quick answer, Beau!

▼ Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Nelson Smith to: Edwin Quinones

05/14/2010
10:58 AM

Cc: Bryant Smalley

Ed-

40 CFR 112.1(d)(3) specifically exempts facilities far out in the Gulf that are subject to MMS regulations for spill prevention. Even if Deepwater Horizon was in existence prior to 2002, they are still exempt from SPCC.

Also reference the MOU between DOT, DOI, and EPA which is set forth as Appendix B to 40 CFR 112.

-Beau

-----Edwin Quinones/R6/USEPA/US wrote: -----

To: Bryant Smalley/R6/USEPA/US@EPA, Nelson Smith/R6/USEPA/US@EPA
From: Edwin Quinones/R6/USEPA/US
Date: 05/14/2010 10:40AM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Hi Beau and Bryant,

Is the answer to the question below because of the continuously extending deadline to prepare an SPCC plan for new facilities?

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 10:39 AM -----

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Earl Salo to: Mark Peycke, Edwin Quinones, Craig Matthiessen, Gilberto Irizarry

05/14/2010 10:21 AM

Cc:

Lee Tyner

All-

Below, Mary Kay asks why Deepwater Horizon was not required to file SPCC plans. What's the answer?

Earl Salo
Assistant General Counsel for Superfund
Solid Waste and Emergency Response Law Office
Office of General Counsel (2366A)
USEPA
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460
202-564-5504 Fax 202-564-5531
----- Forwarded by Earl Salo/DC/USEPA/US on 05/14/2010 11:16 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA
Cc: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/13/2010 08:00 PM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

So that you are in the loop-La is proposing that barrier islands be built to protect the shoreline. The corps would be the lead on this. Two things to keep an eye on-there would be disposal of dredge material. Do we want a qa on this work-authority and then disposal?

Earl, Jim is out tomorrow but can you find out why the Deepwater Horizon was not required to file SPCC plans? This is referenced in the second bullet. Thanks.
----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/13/2010 07:56 PM -----

From: Scott Fulton/DC/USEPA/US
To: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Date: 05/13/2010 06:53 PM
Subject: Fw: Talking Points from the COE

Sarah Pallone

----- Original Message -----

From: Sarah Pallone
Sent: 05/13/2010 06:06 PM EDT
To: Bob Perciasepe; Diane Thompson; Janet Woodka; Scott Fulton
Subject: Talking Points from the COE

FYI


1 attachment



Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

[attachment "Talking points for Deepwater Horizon Incident 051310.docx" removed by Nelson Smith/R6/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Edwin Quinones to: Craig Matthiessen

05/14/2010
11:05 AM


Cc: Bryant Smalley, Earl Salo, Gilberto Irizarry, Lee Tyner, Mark Peycke, Nelson Smith

Yes, you are correct, Craig. Our OPA expert, Beau Smith, directed me to 40 C.F.R. 112.1(d)(3), which provides that the SPCC requirements are not applicable to:

"Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part)."

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Craig Matthiessen to: Edwin Quinones

05/14/2010
11:02 AM

Cc: Bryant Smalley, Earl Salo, Gilberto Irizarry, Lee Tyner, Mark Peycke, Nelson Smith

Ed;
No; since the Deepwater Horizon rig isn't covered by SPCC, the compliance date extension proposed rule doesn't apply either. There are mobile/portable drilling operations landward subject to SPCC and they could benefit from the compliance date extension if we proceed with the proposal. Regards - Craig

▼ Edwin Quinones---05/14/2010 11:56:26 AM---Earl, could it be because of the deadline extending compliance with 40 CFR 112.3 for new facilities

From: Edwin Quinones/R6/USEPA/US
To: Earl Salo/DC/USEPA/US@EPA
Cc: Craig Matthiessen/DC/USEPA/US@EPA, Gilberto Irizarry/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Bryant Smalley/R6/USEPA/US@EPA, Nelson Smith/R6/USEPA/US@EPA
Date: 05/14/2010 11:56 AM
Subject: Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Earl, could it be because of the deadline extending compliance with 40 CFR 112.3 for new facilities? 40 CFR 112.3(c) requires owners or operators of onshore and offshore mobile or portable facilities to prepare and implement an SPCC plan in accordance 40 CFR 112.3(a), (b) and (d). But there is a Federal Register notice extending the deadline for compliance with 112.3 for new facilities until November, 2010 (and I hear it's going to be extended again until 2011). I don't have the Fed. Reg. notice in front of me, though, so I don't know if it also applies to offshore mobile/portable drilling rigs.

However, Craig Matthiessen is correct in that EPA does not have jurisdiction to enforce SPCC violations out in the gulf. EPA has jurisdiction to enforce SPCC offshore rigs inward of the coastal line (not to be confused with the "coastal zone" for response purposes).

Ed Q.
214-665-8035
469-463-5487 cell

▼ Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Earl Salo to: Mark Peycke, Edwin Quinones, Craig Matthiessen, Gilberto Irizarry

05/14/2010
10:21 AM

Cc: Lee Tyner

All-

Below, Mary Kay asks why Deepwater Horizon was not required to file SPCC plans. What's the answer?

Earl Salo
Assistant General Counsel for Superfund
Solid Waste and Emergency Response Law Office
Office of General Counsel (2366A)
USEPA
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460
202-564-5504 Fax 202-564-5531

----- Forwarded by Earl Salo/DC/USEPA/US on 05/14/2010 11:16 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA
Cc: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/13/2010 08:00 PM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

So that you are in the loop-La is proposing that barrier islands be built to protect the shoreline. The corps would be the lead on this. Two things to keep an eye on-there would be disposal of dredge material. Do we want a qa on this work-authority and then disposal?

Earl, Jim is out tomorrow but can you find out why the Deepwater Horizon was not required to file SPCC plans? This is referenced in the second bullet. Thanks.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/13/2010 07:56 PM -----

From: Scott Fulton/DC/USEPA/US
To: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>
Date: 05/13/2010 06:53 PM
Subject: Fw: Talking Points from the COE

▼ [Sarah Pallone](#)

----- Original Message -----


From: Sarah Pallone
Sent: 05/13/2010 06:06 PM EDT
To: Bob Perciasepe; Diane Thompson; Janet Woodka; Scott Fulton
Subject: Talking Points from the COE
FYI

▼ [1 attachment](#)

[attachment "Talking points for Deepwater Horizon Incident 051310.docx" deleted by Edwin Quinones/R6/USEPA/US]

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: MMS Contacts for permit questions 

Edwin Quinones to: Bruced Jones, Rob Lawrence

05/14/2010
11:12 AM

Hi Bruce and Rob,

Have either of you had a chance to contact MMS about whether air impacts were taken into consideration? If not, do you want to set up a call with the contacts Rob gave below?

Ed Q.
x8035
469-463-5487 cell

▼ [Re: Fw: MMS Contacts for permit questions](#)

Re: Fw: MMS Contacts for permit questions 

Ben Harrison to: Bruced Jones

05/14/2010
09:30 AM

Cc: Rob Lawrence, Edwin Quinones, R6 WDH info

The question from ARLO is exactly what air impacts were taken into consideration, if any. Everything we have so far is about what they did consulting and nepa review. Gina mccarthy wants to know what they considered.

Ben J. Harrison

Deputy Regional Counsel
Region 6, U.S. EPA

▼ Bruce Jones

----- Original Message -----

From: Bruce Jones
Sent: 05/14/2010 09:22 AM CDT
To: Ben Harrison
Cc: Rob Lawrence; Edwin Quinones; R6 WDH info@epa.gov
Subject: Re: Fw: MMS Contacts for permit questions

In light of David's draft memo I am not sure what we are asking that is different from what they told David. Could you explain further, is it focused on the relief well?

Bruce Jones
Senior Attorney
Office of Regional Counsel
US EPA Region 6
1445 Ross Ave Suite 1200
Dallas, TX 75202
214 665-3184

▼ Fw: MMS Contacts for permit questions

Fw: MMS Contacts for permit questions

Ben to: Edwin Quinones, Bruce Jones
Harrison

05/14/2010
07:07 AM

Cc: "Rob Lawrence"

Bruce, if you're in today we have a follow up question on permitting for the sunk rig. Please get with the contacts Rob sent and try to find out what if anything MMS did to consider air impacts in permitting the sunk BP rig and the relief well. I need this ASAP for the folks in DC.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

▼ Rob Lawrence

----- Original Message -----

From: Rob Lawrence
Sent: 05/13/2010 05:09 PM CDT
To: Ben Harrison; Edwin Quinones; Lucinda Watson; Anna Wood
Subject: MMS Contacts for permit questions

I couldn't tell if David Courson wanted us to go outside the agency for the information or not. Getting ready to leave for the day, but wanted to give you my contacts at MMS, who probably could answer the question about the production authorization and air permits.

Nick Wetzel (504.736.2419) I think he is the deputy regional director now.

Liz Peuler (504.736.2581) She is the chief of the plans section - the counterpart to one of our permit sections.

Rob Lawrence
Senior Policy Advisor - Energy Issues

lawrence.rob@epa.gov

214.665.6580 (Desk)
214.665.7263 (FAX)

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: draft Q&A text re: NPDES GP 

Edwin Quinones to: MichaelG Lee

05/14/2010
11:59 AM

Cc: Brent Larsen, Cate Tierney, Js Wilson, Marcus Zobrist, Renea Ryland

Thanks, Mike. I'll forward this to a few others here at Region 6 to see if they have any comments.

▼ draft Q&A text re: NPDES GP

draft Q&A text re: NPDES GP 

MichaelG Lee to: Js Wilson, Edwin Quinones

05/14/2010
11:47 AM

Cc: Marcus Zobrist, Cate Tierney, Renea Ryland, Brent Larsen

Scott & Ed,
I've been asked to provide some text today describing the general permit's relevance to what's been going on in the Gulf. Here is my first draft. Do you have any concerns with this?

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's coverage under the general permit has included discharges associated with its operation of the Deepwater Horizon drilling rig.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: draft Q&A text re: NPDES GP

Edwin Quinones to: Claudia Hosch, Isaac Chen, Scott Wilson, Carol Peters, Robert Houston

05/14/2010
12:02 PM

Cc: Dawn Ison, William Honker, Miguel Flores, Karen McCormick, Jerry Saunders

FYI - Any comments?

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 11:59 AM -----

draft Q&A text re: NPDES GP 

MichaelG Lee to: Js Wilson, Edwin Quinones

05/14/2010
11:47 AM

Cc: Marcus Zobrist, Cate Tierney, Renea Ryland, Brent Larsen


Scott & Ed,
I've been asked to provide some text today describing the general permit's relevance to what's been going on in the Gulf. Here is my first draft. Do you have any concerns with this?

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's coverage under the general permit has included discharges associated with its operation of the Deepwater Horizon drilling rig.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Edwin Quinones to: Nelson Smith


05/14/2010
12:02 PM

Cc: Bryant Smalley

Yeah, that's the one I used to reply back. Thanks,

Ed Q.
x8035

▼ Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands 

Nelson Smith to: Edwin Quinones

05/14/2010
11:44 AM

Cc: Bryant Smalley

Hey Ed-

I like to use the "e-CFR" on the Government Printing Office's website. Here is the link to 40 CFR 112 and all of its appendices.

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=53e3c506bc7b9222c4b8ad3cc643dff2&rgn=div5&view=text&node=40%3A21.0.1.1.7&idno=40>

-----Edwin Quinones/R6/USEPA/US wrote: -----

To: Nelson Smith/R6/USEPA/US@EPA
From: Edwin Quinones/R6/USEPA/US
Date: 05/14/2010 11:01AM
cc: Bryant Smalley/R6/USEPA/US@EPA
Subject: Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Man, I need a new reg book. My old version doesn't even have 112.1(d)(3). Anyway, thanks for the quick answer, Beau!

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Re: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands [Link](#)

Nelson Smith

to: Edwin Quinones

05/14/2010 10:58 AM

Cc: Bryant Smalley

Ed-

40 CFR 112.1(d)(3) specifically exempts facilities far out in the Gulf that are subject to MMS regulations for spill prevention. Even if Deepwater Horizon was in existence prior to 2002, they are still exempt from SPCC.

Also reference the MOU between DOT, DOI, and EPA which is set forth as Appendix B to 40 CFR 112.

-Beau

-----Edwin Quinones/R6/USEPA/US wrote: -----

To: Bryant Smalley/R6/USEPA/US@EPA, Nelson Smith/R6/USEPA/US@EPA
From: Edwin Quinones/R6/USEPA/US
Date: 05/14/2010 10:40AM
Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

Hi Beau and Bryant,

Is the answer to the question below because of the continuously extending deadline to prepare an SPCC plan for new facilities?

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 10:39 AM -----

Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

05/14/2010 10:21 AM

Earl Salo to: Mark Peycke, Edwin Quinones, Craig Matthiessen, Gilberto Irizarry

Cc: Lee Tyner

All-

Below, Mary Kay asks why Deepwater Horizon was not required to file SPCC plans. What's the answer?

Earl Salo
Assistant General Counsel for Superfund
Solid Waste and Emergency Response Law Office
Office of General Counsel (2366A)
USEPA
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460
202-564-5504 Fax 202-564-5531

----- Forwarded by Earl Salo/DC/USEPA/US on 05/14/2010 11:16 AM -----

From: Mary-Kay Lynch/DC/USEPA/US

To: James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA

Cc: Mary-Kay Lynch/DC/USEPA/US@EPA

Date: 05/13/2010 08:00 PM

Subject: Fw: Talking Points from the COE related to the proposed dredging and building of barrier islands

So that you are in the loop-La is proposing that barrier islands be built to protect the shoreline. The corps would be the lead on this. Two things to keep an eye on-there would be disposal of dredge material. Do we want a qa on this work-authority and then disposal?

Earl, Jim is out tomorrow but can you find out why the Deepwater Horizon was not required to file SPCC plans? This is referenced in the second bullet. Thanks.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/13/2010 07:56 PM -----

From: Scott Fulton/DC/USEPA/US

To: "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>

Date: 05/13/2010 06:53 PM

Subject: Fw: Talking Points from the COE

Sarah Pallone

----- Original Message -----

From: Sarah Pallone
Sent: 05/13/2010 06:06 PM EDT
To: Bob Perciasepe; Diane Thompson; Janet Woodka; Scott Fulton
Subject: Talking Points from the COE

FYI

1 attachment



Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

[attachment "Talking points for Deepwater Horizon Incident 051310.docx" removed by Nelson Smith/R6/USEPA/US]

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Patrick Rankin, Renea Ryland, Scott McDonald, William Honker, Jerry Saunders, Claudia Hosch, Brent Larsen, Robert Houston, Isaac Chen, Scott Wilson, Carol Peters 05/14/2010 12:10 PM

Cc: Miguel Flores, Dawn Ison, Ben Harrison

This e-mail is different from Gary Jones's e-mail yesterday asking for comments on the Nancy Sutley's draft NEPA process statement. The attachment below is Jo Ellen Darcy's draft statement on the USACE civil works with respect to the spill response. Please provide any comments so I can forward them to HQ.

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:03 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM

Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

To: eoc_ogc@epa.gov
cc
05/14/2010 10:41 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.



ASACW Testimony for 18 May Oil Spill to OMB.DOC

Carolyn Levine

U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Edwin Quinones to: EOC OGC

05/14/2010
12:13 PM

Cc: Lee Tyner

Sounds like Gary Jonesi is asking if we have any comments on Darcy's draft statement which she is scheduled to give on May 18. I've forwarded it to the folks in Region 6 so I can forward our comments, if any, to Gary. Does OGC have any comments on the draft?

Ed Q.
214-665-8035
469-463-5487 cell

▼ [w: REVIEW: LRM \[RT-111-118\] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Me...](#)

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC OGC to: Edwin Quinones

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ [Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.](#)

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ [EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction](#)

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA

Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM
To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" deleted by Edwin Quinones/R6/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: draft Q&A text re: NPDES GP

Edwin Quinones to: MichaelG Lee, Js Wilson

05/14/2010
12:16 PM

Cc: Renea Ryland, Cate Tierney

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:16 PM -----


Re: Fw: draft Q&A text re: NPDES GP 

Jerry Saunders to: Edwin Quinones

05/14/2010
12:09 PM

There are also reporting requirements placed on BP.

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: draft Q&A text re: NPDES GP 

Edwin Quinones to: Cate Tierney


05/14/2010
12:25 PM

Cc: Brent Larsen, Cheryl Rose, Johnpc Fogarty, Js Wilson, Marcus Zobrist, MichaelG Lee, Renea Ryland, Dawn Ison, Isaac Chen, Robert Houston, Scott Wilson, Carol Peters, Karen McCormick, Jerry Saunders, William Honker, Miguel Flores, Claudia Hosch, Ben Harrison

Good point, Cate.

Ed Q.
214-665-8035
469-463-5487 cell

▼ [Re: draft Q&A text re: NPDES GP](#)

Re: draft Q&A text re: NPDES GP 

Cate Tierney to: Edwin Quinones

05/14/2010
12:20 PM

Cc: Brent Larsen, Js Wilson, Marcus Zobrist, MichaelG Lee, Renea Ryland, Johnpc Fogarty, Cheryl Rose

Hi, Mike and Ed et al -

I don't know the context for this text, but I'm wondering about the last sentence - "BP's coverage under

the general permit has included discharges associated with its operation of the Deepwater Horizon drilling rig." Could it be construed to include the spill? We should be careful to preserve our argument that BP is in violation of its NPDES permit at the point of discharge in the Gulf because the GP specifically prohibits the discharge of "Free Oil." (Renea - this was your analysis, correct)? Please let me know if we need to discuss. Thanks!

Cate Tierney, Attorney-Advisor
U.S. Environmental Protection Agency
phone (202) 564-4254; fax (202) 564-0086


NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

▼ [Edwin Quinones---05/14/2010 12:59:13 PM---Thanks, Mike. I'll forward this to a few others here at Region 6 to see if they have any comments.](#)

From: Edwin Quinones/R6/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/14/2010 12:59 PM
Subject: Re: draft Q&A text re: NPDES GP

Thanks, Mike. I'll forward this to a few others here at Region 6 to see if they have any comments.

▼ [draft Q&A text re: NPDES GP](#)

draft Q&A text re: NPDES GP 

MichaelG Lee to: Js Wilson, Edwin Quinones

05/14/2010
11:47 AM

Cc: Marcus Zobrist, Cate Tierney, Renea Ryland, Brent Larsen

Scott & Ed,
I've been asked to provide some text today describing the general permit's relevance to what's been going on in the Gulf. Here is my first draft. Do you have any concerns with this?

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's coverage under the general permit has included discharges associated with its operation of the Deepwater Horizon drilling rig.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Michael Jansky, Patrick Rankin, Jeffrey Robinson

05/14/2010
12:25 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:25 PM -----

Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Ben Harrison to: Edwin Quinones

05/14/2010
12:21 PM

Did you get this to Mike Jansky and the Region 6 NEPA folks?

Ben J. Harrison
Deputy Regional Counsel
US EPA, Region 6
(214) 665-2139

This e-mail may contain material that is confidential, privileged or attorney work product.

▼ Edwin Quinones---05/14/2010 12:13:11 PM---Sounds like Gary Jonesi is asking if we have any comments on Darcy's draft statement which she is s

From: Edwin Quinones/R6/USEPA/US
To: EOC OGC@EPA
Cc: Lee Tyner/DC/USEPA/US@EPA
Date: 05/14/2010 12:13 PM
Subject: Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Sounds like Gary Jonesi is asking if we have any comments on Darcy's draft statement which she is scheduled to give on May 18. I've forwarded it to the folks in Region 6 so I can forward our comments, if any, to Gary. Does OGC have any comments on the draft?

Ed Q.
214-665-8035
469-463-5487 cell

▼ w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Me...

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC OGC to: Edwin Quinones

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM

To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by **2:00 PM Today, Friday, 5/14**. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" deleted by Edwin Quinones/R6/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Edwin Quinones to: Ben Harrison

05/14/2010
12:30 PM

Cc: Hector Pena

Just forwarded it to Mike Jansky, Pat Rankin and Jeff Robinson. I can't find the NEPA program on our intranet or public website. Do you know who else in NEPA I should forward it to?

Ed Q.

▼ Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf o...

Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Ben Harrison to: Edwin Quinones

05/14/2010
12:21 PM

Did you get this to Mike Jansky and the Region 6 NEPA folks?

Ben J. Harrison
Deputy Regional Counsel
US EPA, Region 6
(214) 665-2139

This e-mail may contain material that is confidential, privileged or attorney work product.

▼ Edwin Quinones---05/14/2010 12:13:11 PM---Sounds like Gary Jonesi is asking if we have any comments on Darcy's draft statement which she is s

From: Edwin Quinones/R6/USEPA/US
To: EOC OGC@EPA
Cc: Lee Tyner/DC/USEPA/US@EPA
Date: 05/14/2010 12:13 PM
Subject: Re: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Sounds like Gary Jones is asking if we have any comments on Darcy's draft statement which she is scheduled to give on May 18. I've forwarded it to the folks in Region 6 so I can forward our comments, if any, to Gary. Does OGC have any comments on the draft?

Ed Q.
214-665-8035
469-463-5487 cell

▼ [w: REVIEW: LRM \[RT-111-118\] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Me...](#)

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ [Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.](#)

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ [EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction](#)

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent: Lee Tyner
by:

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM

To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" deleted by Edwin Quinones/R6/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Cathy Gilmore, Debra Griffin

05/14/2010
12:39 PM

Cc: Ben Harrison, Hector Pena

Hi Cathy and Debra,

Please ignore Lee Tyner's e-mail below mine. Ben Harrison informs me you are the Region's NEPA team. Do you have any comments to add to the draft statement attached below. It appears that the agency heads being asked to testify before Congress on the BP gulf spill are asking for EPA's input on their draft statements. If you have any comments, please send them to me, and I will forward them to HQ. Thanks,

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:36 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To EOC OGC@EPA
cc
Subject Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent Lee Tyner
by:

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

To eoc_ogc@epa.gov
cc

05/14/2010 10:41 AM

Subject Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010


COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.



ASACW Testimony for 18 May Oil Spill to OMB.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: draft Q&A text re: NPDES GP 

Edwin Quinones to: MichaelG Lee

05/14/2010
12:45 PM

Cc: Ben Harrison, Brent Larsen, Carol Peters, Cate Tierney, Cheryl Rose, Claudia Hosch, Dawn Ison, Isaac Chen, Jerry Saunders, Johnpc Fogarty, Js Wilson, Karen McCormick, Marcus Zobrist, Miguel Flores, Renea Ryland, Robert Houston, William Honker


Hi Mike,

My comments are underlined and in italics:

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas

extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes reporting requirements and several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's permit coverage includes discharges associated with its operation of the Deepwater Horizon drilling rig that are consistent with the terms and conditions of the general permit.

▼ Re: draft Q&A text re: NPDES GP

Re: draft Q&A text re: NPDES GP 

MichaelG Lee to: Edwin Quinones

05/14/2010
12:36 PM

Cc: Ben Harrison, Brent Larsen, Carol Peters, Cate Tierney, Cheryl Rose, Claudia Hosch, Dawn Ison, Isaac Chen, Jerry Saunders, Johnpc Fogarty, Js Wilson, Karen McCormick, Marcus Zobrist, Miguel Flores, Renea Ryland, Robert Houston, William Honker

I certainly didn't mean to imply that all discharges were in actually in compliance with the GP. How about this? (I fixed a misspelling in the third sentence and rewrote the last sentence) :

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's permit coverage has included discharges associated with its operation of the Deepwater Horizon drilling rig consistent with the general permit.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486


▼ Edwin Quinones---05/14/2010 01:25:09 PM---Good point, Cate. Ed Q. 214-665-8035

From: Edwin Quinones/R6/USEPA/US
To: Cate Tierney/DC/USEPA/US@EPA
Cc: Brent Larsen/R6/USEPA/US@EPA, Cheryl Rose/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA, Dawn Ison/R6/USEPA/US@EPA, Isaac Chen/R6/USEPA/US@EPA, Robert Houston/R6/USEPA/US@EPA, Scott Wilson/AA/USEPA/US@EPA, Carol Peters/R6/USEPA/US@EPA, Karen McCormick/R6/USEPA/US@EPA, Jerry Saunders/R6/USEPA/US@EPA, William Honker/R6/USEPA/US@EPA, Miguel Flores/R6/USEPA/US@EPA, Claudia Hosch/R6/USEPA/US@EPA, Ben Harrison/R6/USEPA/US@EPA
Date: 05/14/2010 01:25 PM
Subject: Re: draft Q&A text re: NPDES GP

Good point, Cate.

Ed Q.
214-665-8035
469-463-5487 cell

▼ Re: draft Q&A text re: NPDES GP

Re: draft Q&A text re: NPDES GP 

Cate Tierney to: Edwin Quinones

05/14/2010
12:20 PM

Cc: Brent Larsen, Js Wilson, Marcus Zobrist, MichaelG Lee, Renea Ryland, Johnpc Fogarty, Cheryl Rose

Hi, Mike and Ed et al -

I don't know the context for this text, but I'm wondering about the last sentence - "BP's coverage under the general permit has included discharges associated with its operation of the Deepwater Horizon drilling rig." Could it be construed to include the spill? We should be careful to preserve our argument that BP is in violation of its NPDES permit at the point of discharge in the Gulf because the GP specifically prohibits the discharge of "Free Oil." (Renea - this was your analysis, correct)? Please let me know if we need to discuss. Thanks!

Cate Tierney, Attorney-Advisor
U.S. Environmental Protection Agency
phone (202) 564-4254; fax (202) 564-0086

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

▼ Edwin Quinones---05/14/2010 12:59:13 PM---Thanks, Mike. I'll forward this to a few others here at Region 6 to see if they have any comments.

From: Edwin Quinones/R6/USEPA/US
To: MichaelG Lee/DC/USEPA/US@EPA
Cc: Brent Larsen/R6/USEPA/US@EPA, Cate Tierney/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Renea Ryland/R6/USEPA/US@EPA
Date: 05/14/2010 12:59 PM
Subject: Re: draft Q&A text re: NPDES GP

Thanks, Mike. I'll forward this to a few others here at Region 6 to see if they have any comments.

▼ draft Q&A text re: NPDES GP

draft Q&A text re: NPDES GP 

MichaelG Lee to: Js Wilson, Edwin Quinones

05/14/2010
11:47 AM

Cc: Marcus Zobrist, Cate Tierney, Renea Ryland, Brent Larsen

Scott & Ed,
I've been asked to provide some text today describing the general permit's relevance to what's been going on in the Gulf. Here is my first draft. Do you have any concerns with this?

EPA Region 6 issued an NPDES general permit (GMG290000) for discharges from offshore oil and gas extraction operations in the western portion of the Outer Continental Shelf of the Gulf of Mexico in 2007. This permit authorizes discharges from exploration, development, and production facilities located in and discharging to the Gulf of Mexico off the coasts of Louisiana and Texas. The general permit also imposes several limitations on authorized discharges. BP submitted to EPA its notice of intent to be covered by this general permit for its operations on lease block Mississippi Canyon 252 on February 23, 2009. BP's coverage under the general permit has included discharges associated

with its operation of the Deepwater Horizon drilling rig.

Mike

Michael G. Lee
Office of General Counsel
(202) 564-5486

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Sharon Parrish, Nelson Smith, Bryant Smalley, Richard Prather

05/14/2010
12:53 PM

Cc: Ben Harrison

Please ignore Lee Tyner's e-mail below mine.

It appears that the agency heads being called on to testify before Congress on the gulf spill are asking for EPA's input on their draft statements. Jo Ellen Darcy's (of the U.S. Army Corps of Engineers) statement is attached. Do any of you have any comments to add to her draft statement that I can forward to HQ? Of particular note is the last sentence and line in the first, introductory paragraph that mentions Region 6's interim oil solidifier policy. Do any of you know what that is or can you direct me to someone within the Region that would know? Thanks!

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:49 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM
To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.



ASACW Testimony for 18 May Oil Spill to OMB.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Edwin Quinones to: Debra Griffin

05/14/2010
12:55 PM

Hi Debra,

I see that Ben copied Cathy Gilmore on this, but thought I'd also forward it to you. Please take a look at the question posed by Mathy Stanislaus' e-mail below on the attached guidance. Do you have any input on that?

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:54 PM -----

Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Ben Harrison to: Patrick Rankin, Cathy Gilmore, Edwin Quinones

05/14/2010
12:51 PM

This one has the correct attachment.

Ben J. Harrison
Deputy Regional Counsel
US EPA, Region 6
(214) 665-2139

This e-mail may contain material that is confidential, privileged or attorney work product.

----- Forwarded by Ben Harrison/R6/USEPA/US on 05/14/2010 12:50 PM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: Ben Harrison/R6/USEPA/US@EPA
Date: 05/14/2010 10:21 AM
Subject: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 11:08 AM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Barry Breen" <Breen.Barry@epamail.epa.gov>, "Dana Tulis" <Tulis.Dana@epamail.epa.gov>, "Mary-Kay Lynch" <Lynch.Mary-Kay@epamail.epa.gov>, "Kathy Jones" <Jones.Kathy@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
Cc: "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Janet Woodka" <Woodka.Janet@epamail.epa.gov>
Date: 05/14/2010 11:00 AM
Subject: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Wanted to make sure you had this. Per discussion the Environmental Assessment Working Group of the NIC - we need to provide comments to whether we agree with this memo, including to what extent NEPA does not apply to NCP based work vs. other related activities, e.g., barrier islands? Related to this is whether OPA requires the conduct of environmental assessment in lieu of NEPA assessment.

From: "Cesnik, Catherine M" [Catherine_Cesnik@ios.doi.gov]

Sent: 05/13/2010 04:41 PM AST

To: "Timothy.A.Tobiasz@uscg.mil" <Timothy.A.Tobiasz@uscg.mil>; "Grawe, William" <William.R.Grawe@uscg.dhs.gov>; Mathy Stanislaus; "Kayyem, Juliette" <juliette.kayyem@dhs.gov>; Diane Thompson; "sericsson@omb.eop.gov" <sericsson@omb.eop.gov>; Mark.W.Miller <Mark.W.Miller@noaa.gov>; "brenda.styer-gee@dm.usda.gov" <brenda.styer-gee@dm.usda.gov>; Mark Mjones; "DAVE.WHITE@usda.gov" <DAVE.WHITE@usda.gov>; "Rai, Vijai N" <Vijai_Rai@ios.doi.gov>; "Ericsson, Sally C." <Sally_C_Ericsson@omb.eop.gov>; "Boots, Michael J." <Michael_J_Boots@ceq.eop.gov>; "McPhillips, Alex" <Alex_McPhillips@omb.eop.gov>; "Hight, Courtney" <Courtney_Hight@ceq.eop.gov>; "monica.medina@noaa.gov" <monica.medina@noaa.gov>; Bob Perciasepe; Margaret Spring <margaret.spring@noaa.gov>

Subject: FW: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Attached is the CEQ guidance referenced on the 1500 phone call for FYI and distribution as appropriate.

Catherine

Catherine Cesnik

U.S. Department of the Interior, Office of the Secretary

Office of Environmental Policy and Compliance

Deepwater Horizon Spill Response, National Incident Command, Washington DC

202-579-6023 blackberry | Catherine_Cesnik@ios.doi.gov

From: Greczmiel, Horst [mailto:Horst_Greczmiel@ceq.eop.gov]

Sent: Wednesday, May 12, 2010 12:55 PM

To: charlie.walthall@ars.usda.gov; terry.roark@ars.usda.gov; mrozum@nifa.usda.gov; david.a.bergsten@aphis.usda.gov; matthew.ponish@wdc.usda.gov; matt.harrington@wdc.usda.gov; Carbone, Joseph; Karkula, Ken; Twarkins, Martha; Sire, David E; Gaulke, Peter T; Richard.vaughn@ne.usda.gov; Terrell.Erickson1@wdc.usda.gov; howard.hankin@wdc.usda.gov; sarah.bridges@wdc.usda.gov; Julie.Hawkins@va.usda.gov; Linda.rodgers@usda.gov; mark.plank@usda.gov; richard.fristik@wdc.usda.gov; richard.lawrence@usda.gov; lois.schiffer@noaa.gov; gwalker@doc.gov; steve.kokkinakis@noaa.gov; cristi.reid@noaa.gov; Steve.Leathery@noaa.gov; Aileen.smith@noaa.gov; kleiphart@eda.doc.gov; dives@eda.doc.gov; fmonteferrante@ntia.doc.gov; Emily.Johannes@noaa.gov; Terry.Bowers@osd.mil; Maureen.Sullivan@osd.mil; Cheryl.Antosh@hqda.army.mil; leslie.gillespiemarthalier@hqda.army.mil; RathbunC@conus.army.mil; julius@hqda.army.mil; Mark.Matusiak@usace.army.mil; chip.smith@HQDA.army.mil; Suzanne.L.Chubb@us.army.mil; Lance.D.Wood@usace.army.mil; Ann.D.Navarro@lrdor.usace.army.mil; Jack.Bush@pentagon.af.mil; Tom.egeland@navy.mil; karen.foskey@navy.mil; nicole.pak@navy.mil; sue.goodfellow@usmc.mil; Ann.Engelberger@dla.mil; vannessj@dodgc.osd.mil; carol.borgstrom@hq.doe.gov; carolyn.osborne@eh.doe.gov; matthew.mcmillen@hq.doe.gov; carol.hammel-smith@hq.doe.gov; kspierce@bpa.gov; collins@wapa.gov; edward.pfister@hhs.gov; apiesen@hrsa.gov; gec2@cdc.gov; acd7@cdc.gov; raanan.bloom@fda.hhs.gov; Emily.McVey@fda.hhs.gov; ceirkson@cvm.fda.gov; barry.hooberman@fda.hhs.gov; William.lamont@fda.hhs.gov; sfitzpat@oc.fda.gov; webber@cder.fda.gov; stephen.aoyama@ihs.gov; nottingv@mail.nih.gov; david.reese@dhs.gov; Robert.McMenamin@dhs.gov; edward.f.wandelt@uscg.dhs.gov; Kebby.Kelley@uscg.mil; Cristal.Fosbrook@uscg.mil; christopher.oh@dhs.gov; angela.gladwell@dhs.gov; jomar.maldonado@dhs.gov; Laura.shick@dhs.gov; susan.hathaway@dhs.gov; kathryn.jones@dhs.gov; andrew.bouie@dhs.gov; martin.fife@dhs.gov; willis.hunter@dhs.gov; antoinette.sebastian@hud.gov; charles.bien@hud.gov; Christopher.h.hartenau@hud.gov; Walter.Prybyla@hud.gov; Roma.Campanile@hud.gov; Joseph.Devlin@hud.gov; Jeremiah.J.Sanders@hud.gov; Joseph.Devlin@hud.gov; Taylor, Willie R; Rai, Vijai N; Whittington, Tammy; Walsh, Patrick; Nelson, Lindy; jfbennett@mms.gov; deMonsabert, Winston R; Davis, G. Vermell; Wilson, Judith; Todd, Marci; Meyers, Sandra; Treasure, Donald W; Coykendall, Arthur C; Carter, Pat; Nash, Stephanie; Eng, Esther; Guillermo.Montero@usdoj.gov; andrea.berlowe@usdoj.gov; Charles.Findlay@usdoj.gov; chau.h.tran@usdoj.gov; Ellen.Harrison@usdoj.gov; blyles@bop.gov; john.pensing@usdoj.gov; emily.gallas@usdoj.gov; Catherine.Shaw@ic.fbi.gov; Melissa.FieriFetrow@usdoj.gov; stone.robert@dol.gov; matuszakjm@state.gov; orlandoa2@state.gov; camille.mittelholtz@ost.dot.gov; Helen.Serassio@dot.gov; mike.bates@ost.dot.gov; amy.coyle@dot.gov; michon.washington@faa.gov; Thomas.Cuddy@faa.gov;

carol.adkins@dot.gov; lamar.smith@dot.gov; Bethaney.bacher-gresock@dot.gov;
joseph.ossi@fta.dot.gov; nepalaison@fta.dot.gov; carl.bausch1111@dot.gov; andrea.martin@dot.gov;
Daniel.Yuska@dot.gov; david.valenstein@dot.gov; sherri.pappas@dot.gov; amelia.samaras@dot.gov;
elaine.walls@fmcsa.dot.gov; michael.johnsen@dot.gov; MCNEPA@fmcsa.dot.gov;
rebecca.schade@dot.gov; brian.cromie@sls.dot.gov; carrie.mann@sls.dot.gov;
paul.valihura@volpe.dot.gov; allwell@volpe.dot.gov; cassandra.allwell@volpe.dot.gov;
rutsonv@stb.dot.gov; Christa.Dean@stb.dot.gov; stephen.wallace@do.treas.gov;
Eric.Bradley@do.treas.gov; greg.parvin@occ.treas.gov; michelle.deGrandi@va.gov;
phillipa.anderson@va.gov; Cynthia.cordova@va.gov; sue.nogas@va.gov; catherine.johnson7@va.gov;
Sara.Kemme@va.gov; Cameron.gore@va.gov; johnson@access-board.gov; cvaughn@achp.gov;
wdoyle@arcticgas.gov; dhughes@arc.gov; choward@arc.gov; jcartwright@arc.gov; joe.woo@afrrh.gov;
timothy.cox@afrrh.gov; keith.bates@frb.gov; rfranklin@cpsc.gov; ccollier@drbc.state.nj.us1;
trinner@denali.gov; bromm.susan@epa.gov; Hargrove.Robert@epamail.epa.gov;
depaul.kimberley@epa.gov; DykstraG@fca.gov; aliza.katz@fcc.gov; lee.martin@fcc.gov;
mwagner@fcc.gov; dabeyta@fcc.gov; james.swartz@fcc.gov; donald.johnson@fcc.gov; byellin@fdic.gov;
mark.robinson@ferc.gov; ann.miles@ferc.gov; julia.bovey@ferc.gov; steve.hocking@ferc.gov;
jennifer.hill@ferc.gov; Edward.Abrams@ferc.gov; kgregory@fmc.gov; jdaly@ftc.gov;
raheem.cash@gsa.gov; bernard.schafer@gsa.gov; bryan.steverson@gsa.gov; mgosliner@mmc.gov;
binghamc@mcc.gov; schehltp@mcc.gov; Kathleen.E.Callister@nasa.gov; James.Leatherwood-
1@nasa.gov; david.levy@ncpc.gov; peter.coppelman@ncpc.gov; fkressman@ncua.gov; eliask@arts.gov;
jacobsn@arts.gov; Mehaffy, Bradley; richard.turtill@nrc.gov; Andrew.Pessin@nrc.gov;
Joan.olmstead@nrc.gov; Richard.Raione@nrc.gov; cblanco@nsf.gov; dthibode@nsf.gov;
hesmith@nsf.gov; bhoutman@nsf.gov; mboom@opic.gov; jpelka@presidiotrust.gov; laroched@sec.gov;
gary.fox@sba.gov; eric.benderson@sba.gov; Darryl.hairston@sba.gov; erma.gaines@sba.gov;
laraine.williams@ssa.gov; cpnicholson@tva.gov; blyeager@tva.gov; jhester@usaid.gov;
eclesceri@usaid.gov; ghigginbotham@usaid.gov; carrie.m.branson@usps.gov;
mrodriguez@vallescaldera.gov

Cc: Boling, Edward A.; Hassell, Mary D.; Gastner, Kate; Shawley, Dianne M.; Solomon, Rhonda R.;
Higdon, Matthew S.; Carson, Jonathan K.; Guzy, Gary S.; Shah, Tarak N.

Subject: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Importance: High

Today Chair Sutley signed the attached guidance which reaffirms and updates the Sept 2005 guidance on how to consider NEPA when planning actions that are necessary in a time frame that does not provide time for the usual NEPA process.

Regards, Horst

Horst Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
202-395-0827
HGreczmiel@ceq.eop.gov



Please consider the environment before printing this e-mail



Emergencies and NEPA Memorandum 12 May 2010.pdf

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Craig Carroll, Mark Hansen, Nancy Jones, Susan Webster

05/14/2010
01:51 PM


Craig, Mark, Nancy and Susan,

Please see my e-mail below about the Region's interim oil solidifier policy. What is that? And do any of you have any comments to add to Darcy's draft statement to Congress scheduled for next week? Thanks!

Ed Q.

x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 01:43 PM -----

Re: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Nelson Smith to: Edwin Quinones

05/14/2010
01:09 PM

Cc: Sharon Parrish, Bryant Smalley, Richard Prather, Ben Harrison

Ed-

You may want to check with Craig Carroll. He is our contact for the Regional Response Team (RRT). I believe he may know about policies relating to the use of chemicals on oil spills.

-Beau

-----Edwin Quinones/R6/USEPA/US wrote: -----

To: Sharon Parrish/R6/USEPA/US@EPA, Nelson Smith/R6/USEPA/US@EPA, Bryant Smalley/R6/USEPA/US@EPA, Richard Prather/R6/USEPA/US@EPA
From: Edwin Quinones/R6/USEPA/US
Date: 05/14/2010 12:53PM
cc: Ben Harrison/R6/USEPA/US@EPA
Subject: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Please ignore Lee Tyner's e-mail below mine.

It appears that the agency heads being called on to testify before Congress on the gulf spill are asking for EPA's input on their draft statements. Jo Ellen Darcy's (of the U.S. Army Corps of Engineers) statement is attached. Do any of you have any comments to add to her draft statement that I can forward to HQ? Of particular note is the last sentence and line in the first, introductory paragraph that mentions Region 6's interim oil solidifier policy. Do any of you know what that is or can you direct me to someone within the Region that would know? Thanks!

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:49 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico [Link](#)

EOC OGC

to: Edwin Quinones

05/14/2010 10:26 AM

Sent by:

Lee Tyner

Do you know what this is about?

Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

**Mary-Kay
Lynch/DC/USEPA/US**

05/14/2010 10:56 AM

To EOC OGC@EPA

cc

Subject Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG
Oversight Testimony on Federal Response to the Recent Oil Spill
in the Gulf of Mexico

no-ask Ed or Ben in region 6.

EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question.
The last sentence of the introduction

From: EOC OGC

To: Mary-Kay Lynch/DC/USEPA/US@EPA

Date: 05/14/2010 10:55 AM

Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent
Oil Spill in the Gulf of Mexico

Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction
says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency
(EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on
05/14/2010 10:40 AM -----

**Mary-Kay
Lynch/DC/USEPA/US**

To eoc_ogc@epa.gov

05/14/2010 10:41 AM

cc

Subject Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG
Oversight Testimony on Federal Response to the Recent Oil Spill
in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US

To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA

Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA

Date: 05/14/2010 10:40 AM

Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US

To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA

Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA

Date: 05/14/2010 10:32 AM


Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today , Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" removed by Nelson Smith/R6/USEPA/US]
----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Edwin Quinones to: Scott McDonald


05/14/2010
01:59 PM

Cc: Mark Hansen, Craig Carroll, Nancy Jones, Susan Webster

Hi Scott,

No concerns other than Darcy's mention of the Region's Interim Oil Solidifier Policy in the last sentence of the first paragraph. Have no idea what that is. Googled it and only found reference to the use of solidifiers as part of our response pursuant to Subpart J of the NCP, but haven't found the official policy on solidifiers. OPA folks referred me to our response team to find out more about it.

▼ Re: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the G...

Re: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Scott McDonald to: Edwin Quinones

05/14/2010
01:10 PM

Ed -
Looks okay to me. Did you have any major concerns? (just curious)

This email may contain material that is confidential, privileged, and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance, or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

▼ Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf o...

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Patrick Rankin, Renea Ryland, Scott McDonald, William Honker, Jerry Saunders, Claudia Hosch, Brent Larsen, Robert Houston, Isaac Chen, Scott Wilson, Carol Peters

05/14/2010
12:10 PM

Cc: Miguel Flores, Dawn Ison, Ben Harrison

This e-mail is different from Gary Jones's e-mail yesterday asking for comments on the Nancy Sutley's draft NEPA process statement. The attachment below is Jo Ellen Darcy's draft statement on the USACE civil works with respect to the spill response. Please provide any comments so I can forward them to HQ.

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:03 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC OGC to: Edwin Quinones

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM

To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by **2:00 PM Today, Friday, 5/14**. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" deleted by Scott McDonald/R6/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Environmental Certification

Edwin Quinones to: David Bary

05/14/2010
02:24 PM

Cc: Mark Hansen

Hi David,

Take a look at Ben Harrison's e-mail below mine.

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 02:23 PM -----

Re: Environmental Certification 

Ben Harrison to: Edwin Quinones

05/12/2010
06:20 PM

Dave can respond back that it's most likely a scam. They could be offering some haz waste training I guess, but as far as I know the only training is being provided by that institute of envhealth that was mentioned today and it's free.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Edwin Quinones](#)

----- Original Message -----

From: Edwin Quinones
Sent: 05/12/2010 06:00 PM CDT
To: Ben Harrison
Cc: Mark Peycke
Subject: Fw: Environmental Certification

Hi Ben,

Take a look at David Bary's e-mail below. I was tempted to contact the Louisiana AGs Office to get more information since we obviously don't have enough to respond, assuming we even want to respond, but Mark suggested I forward this to you first for direction.

Even so, I'm not sure what EPA can do about any of this, whether it be legitimate or some kind of scam, other than to refer it to CID or the Federal Trade Commission if it turns out to be a scam.

Ed Q.
x8035

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/12/2010 05:56 PM -----

Re: Environmental Certification 

Mark to: David Bary, Edwin Quinones
Hansen

05/12/2010
05:39 PM

No clue whatsoever. Ed - Any thoughts on this one?

If I can be of assistance or answer any questions, please contact me at (214)665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Associate Director for Prevention and Response(6SF-P)
Superfund Division

U.S. EPA Region 6
1445 Ross Avenue (6SF-P)
Dallas, Texas 75202
Telephone: (214) 665-7548
EPA Cell Phone: (214)789-2162

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

▼ David Bary---05/12/2010 01:52:20 PM---Mark, Unsure of how to respond to this, so thought I would reach out to you.

From: David Bary/R6/USEPA/US
To: Mark Hansen/R6/USEPA/US@EPA
Date: 05/12/2010 01:52 PM
Subject: Environmental Certification

Mark,

Unsure of how to respond to this, so thought I would reach out to you.

I have a call in from:

Isabel Wingerter
Louisiana AG's Office
(225) 326-6464
wingerterI@ag.state.la.us

Who has concerns about a company's legitimacy (name unknown). Company is offering to certify and license Louisiana residents to perform oil spill cleanup for a \$250 fee.

Suggestions?

Dave Bary
(214) 354-7172
(985) 543-3393

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: James Staves, Craig Carroll

05/14/2010
02:38 PM

Cc: Mark Hansen

Jim and Carroll,

Do either of you know if EPA Region 6 (or EPA as a whole) has an official "Interim Oil Solidifier Policy?" I realize the use of solidifiers is mentioned in Subpart J of the NCP. However, my question is whether there is such an official policy in writing. Please see the attachment below where Darcy's draft statement to Congress mentions Region 6's Interim Oil Solidifier Policy in the last sentence of the first, introductory paragraph. Thanks!

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 02:35 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Cathy Gilmore, Debra Griffin

05/14/2010
12:39 PM

Cc: Ben Harrison, Hector Pena

Hi Cathy and Debra,

Please ignore Lee Tyner's e-mail below mine. Ben Harrison informs me you are the Region's NEPA team. Do you have any comments to add to the draft statement attached below. It appears that the agency heads being asked to testify before Congress on the BP gulf spill are asking for EPA's input on their draft statements. If you have any comments, please send them to me, and I will forward them to HQ. Thanks,

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 12:36 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC OGC to: Edwin Quinones

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM

To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA

Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by **2:00 PM Today, Friday, 5/14**. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.



ASACW Testimony for 18 May Oil Spill to OMB.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: Steve Mason

05/14/2010
03:18 PM

Cc: Donaldp Smith, Ben Harrison

Hi Steve,

Please ignore Lee Tyner's e-mail just below mine. If you open the attachment below, you'll see the draft statement I told you about on the phone. She mentions the Region's Interim Oil Solidifier Policy in the last sentence of the first, introductory paragraph. Let me know if you have any comments, so I can forward them to HQ. And please send me a copy of that solidifier policy so I can forward it to HQ. Thanks!

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 03:16 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM

To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.



ASACW Testimony for 18 May Oil Spill to OMB.DOC

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Re: Interim Solidifier Policy

Edwin Quinones to: Steve Mason

05/14/2010
04:13 PM

Hi Steve,

Was there supposed to be an attachment or a website link to your e-mail below?

Ed Q.
x8035

▼ [Interim Solidifier Policy](#)

Interim Solidifier Policy

Steve Mason to: Aimee.Beveridge, barry.joffrion, bonnie.mckelvey, Brit.Featherston, buzz.martin, byron.ellington, camille.r.destafney, campagna.philip, carroll.craig, charlie.henry, chris.foreman, constantine.g.marinos, dan.crawford, dana.bahar, daniel.e.jaramillo, david.w.sills, dedrick.hoskins, Dewayne.White, don.macpherson, donald.hall, fred.liebe, gary.a.stangeland, gary.gordon, gene.dunegan, greg.pollock, gregory_hogue, Harold.Wright, hilary.gafford, James_Loach, James.E.Hanzalik, james.wallace, jeff.meyers, jessica.white, jet.hays, Jim_Conroy, jimoverman, jlewelli, john.haynes, john.tintera, jt.ewing, jtemperilli, karen.g.price, Karolien.Debusschere, kcrunk, kenny.harmon, Larry.I.Mendoza, lavern-young, lee.shin, linda.howell, lorie.lafon, louis.lightner, lynne.moss, manuel.espinosa, marcus.hatley, mason.steve, michael.baccigalopi, mick.cote, mike.davenport, mike.goldsworthy, monty.elder, mould.kevin, Parette, patrick.brady, Patrick.neal, paul.d.krebs, Paul.Gilbreath, peter.ricca, Peter.troedsson, petersen.chris, PoynterRM, Richard.mcdaniel, rick.shutt, robert.hominick, roland.guidry, rsimmons, Russ.Peery, smcdonald, spweaver, stephen_spencer, stephen.connolly, stephen.hurst, Syed.M.Qadir, tjobrien, vanderhoff, wade.parks, webb.christine, wheeler.young, william.gibson, william.gross1, william.miertschin, William.w.goetzee, wingo.dean, young.patrick

05/14/2010
03:34 PM

Cc: Edwin Quinones, Mark Hansen, Sam Coleman, Ronnie Crossland

Thanks to all agencies that voted to concur on the Interim Solidifier Policy for Region 6...

11 out of 15 of the primary federal agencies voted, all concurring on the Policy
4 of the 5 State primary agencies voted, all concurring on the Policy; one alternate State agency did not concur

Therefore, the policy has been adopted....

Here is a copy for your records....

I will post to the RRT webpage under Approvals...

As indicated, a permanent vote will be at the next scheduled RRT meeting.

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Edwin Quinones to: EOC OGC, Lee Tyner, Mary-Kay Lynch, James Bove

05/14/2010
04:17 PM


Cc: Ben Harrison, Steve Mason

FYI

From what Steve Mason and Don Smith have told me, the RRT adopted by vote an interim solidifier policy for this incident only.

Ed Q.
214-665-8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 04:14 PM -----

Re: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

Steve Mason to: Edwin Quinones

05/14/2010
03:38 PM

My only comment would be to change the wording to:

The Corps has also reviewed and provided input to an interim ~~Environmental Protection Agency (EPA)~~ Region 6 **Regional Response Team** Oil Solidifier Policy and supports its implementation.

Don't know if you want to add a sentence that the policy was concurred on by federal and state agencies on the RRT and can now be used by the FOSC during the response.

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk
down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

▼ Edwin Quinones---05/14/2010 03:18:46 PM---Hi Steve, Please ignore Lee Tyner's e-mail just below mine. If you open the attachment below, you'll

From: Edwin Quinones/R6/USEPA/US
To: Steve Mason/R6/USEPA/US@EPA
Cc: Donaldp Smith/R6/USEPA/US@EPA, Ben Harrison/R6/USEPA/US@EPA
Date: 05/14/2010 03:18 PM
Subject: Fw: w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

Hi Steve,

Please ignore Lee Tyner's e-mail just below mine. If you open the attachment below, you'll see the draft statement I told you about on the phone. She mentions the Region's Interim Oil Solidifier Policy in the last sentence of the first, introductory paragraph. Let me know if you have any comments, so I can forward them to HQ. And please send me a copy of that solidifier policy so I can forward it to HQ.
Thanks!

Ed Q.
x8035
469-463-5487 cell

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 03:16 PM -----

w: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

EOC to: Edwin Quinones
OGC

05/14/2010
10:26 AM


Sent **Lee Tyner**
by:

Do you know what this is about?

▼ Mary-Kay Lynch---05/14/2010 10:56:52 AM---no-ask Ed or Ben in region 6.

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:56 AM

To: EOC OGC@EPA
cc
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico 

no-ask Ed or Ben in region 6.

▼ EOC OGC---05/14/2010 10:55:23 AM---I have no comment on the testimony, but I do have a question. The last sentence of the introduction

From: EOC OGC
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:55 AM
Subject: Re: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico
Sent by: Lee Tyner

I have no comment on the testimony, but I do have a question. The last sentence of the introduction says: "The Corps has also reviewed and provided input to an interim Environmental Protection Agency (EPA) Region 6 Oil Solidifier Policy and supports its implementation." Do you know what this refers to?

▼ Mary-Kay Lynch---05/14/2010 10:41:17 AM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

Mary-Kay Lynch/DC/USEPA/US

05/14/2010 10:41 AM
To: eoc_ogc@epa.gov
cc
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:40 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: EOC-OGC@epa.gov, Kevin Minoli/DC/USEPA/US@EPA
Cc: Steven Neugeboren/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA
Date: 05/14/2010 10:40 AM
Subject: Fw: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 10:39 AM -----

From: Carolyn Levine/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Gary Jones/DC/USEPA/US@EPA, Jennifer Lee/DC/USEPA/US@EPA, Gerard Kraus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 10:32 AM
Subject: REVIEW: LRM [RT-111-118] ARMY CORPS ENG Oversight Testimony on Federal Response to the Recent Oil Spill in the Gulf of Mexico

DEADLINE: 1:30 PM Friday, May 14, 2010

COMMENTS: Please review the attached Army Corps of Engineers (Darcy) statement for the 5/18 SEPW Oil Spill hearing and advise of any comments by 2:00 PM Today, Friday, 5/14. Thanks. EPA, DOI, CEQ and Commerce (Economic Development Administration) will also be testifying at this hearing.

[attachment "ASACW Testimony for 18 May Oil Spill to OMB.DOC" deleted by Steve Mason/R6/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Edwin Quinones to: Debra Griffin, Cathy Gilmore, Hector Pena

05/14/2010
04:21 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 04:20 PM -----

Fw: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Ben Harrison to: Edwin Quinones, Patrick Rankin

05/14/2010
03:52 PM

FYI

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA
▼ [Marilyn Kuray](#)

----- Original Message -----

From: Marilyn Kuray
Sent: 05/14/2010 04:48 PM EDT
To: Mary-Kay Lynch
Cc: CarolAnn Siciliano; Earl Salo; eoc_ogc@epa.gov; James Bove; Kevin Minoli; Lee Tyner; Ben Harrison; Suzanne Murray; Mary Wilkes
Subject: Re: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA
Mary-Kay

Attached is a preliminary response on the applicability of NEPA to actions under CERCLA and the OPA. I will do some research on the OPA to come up with more definitive advice on that issue, but I wanted to get you what I have before your 5 pm deadline.



NEPA-CERCLA-OPA.doc

Marilyn J. Kuray
Attorney Advisor
US EPA Office of General Counsel
Tel: (202) 564-3449; Fax: (202) 564-5541
7426H Ariel Rios North

NOTICE: This communication may contain deliberative, privileged, or other confidential information. Do not release under FOIA without appropriate review. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

▼ Mary-Kay Lynch---05/14/2010 01:37:33 PM--- Just so everyone has the CEQ guidance. When we finish our answer we should copy Ben Harrison and

From: Mary-Kay Lynch/DC/USEPA/US
To: CarolAnn Siciliano/DC/USEPA/US@EPA, Marilyn Kuray/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, lynch.mary-kay@epa.gov, eoc_ogc@epa.gov
Date: 05/14/2010 01:37 PM
Subject: Re: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

[attachment "Emergencies and NEPA Memorandum 12 May 2010.pdf" deleted by Marilyn Kuray/DC/USEPA/US] Just so everyone has the CEQ guidance. When we finish our answer we should copy Ben Harrison and Suzanne Murray

and Mary Wilkes

▼ CarolAnn Siciliano---05/14/2010 01:24:58 PM---Thanks. I'm make sure Marilyn is working on this. Carol Ann Siciliano Associate General Counsel

From: CarolAnn Siciliano/DC/USEPA/US
To: Mary-Kay Lynch/DC/USEPA/US@EPA
Date: 05/14/2010 01:24 PM
Subject: Re: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Thanks. I'm make sure Marilyn is working on this.

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
(202) 564-5489

▼ Mary-Kay Lynch---05/14/2010 01:22:23 PM----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 01:22 PM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: CarolAnn Siciliano/DC/USEPA/US@EPA
Date: 05/14/2010 01:22 PM
Subject: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 01:22 PM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: OEC_OGC@epa.gov, Marilyn Kuray/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA
Date: 05/14/2010 12:41 PM
Subject: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Can we get a written response before 5. thanks

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 05/14/2010 12:38 PM -----

From: Dana Tulis/DC/USEPA/US
To: Mathy Stanislaus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Kathy Jones/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Date: 05/14/2010 11:58 AM
Subject: Re: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Mary-Kay, we need an official OGC response on this. We believe that NEPA does not apply when we are responding under OPA and NCP. But in situations that are outside areas where we have clear authority, such as the barrier island dredging, NEPA authority would apply. Please advise.

From: Mathy Stanislaus
Sent: 05/14/2010 11:00 AM EDT
To: Barry Breen; Dana Tulis; Mary-Kay Lynch; Kathy Jones; Scott Fulton

Cc: Bob Perciasepe; Janet Woodka

Subject: Fw: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Wanted to make sure you had this. Per discussion the Environmental Assessment Working Group of the NIC - we need to provide comments to whether we agree with this memo, including to what extent NEPA does not apply to NCP based work vs. other related activities, e.g., barrier islands? Related to this is whether OPA requires the conduct of environmental assessment in lieu of NEPA assessment.

From: "Cesnik, Catherine M" [Catherine_Cesnik@ios.doi.gov]

Sent: 05/13/2010 04:41 PM AST

To: "Timothy.A.Tobiasz@uscg.mil" <Timothy.A.Tobiasz@uscg.mil>; "Grawe, William" <William.R.Grawe@uscg.dhs.gov>; Mathy Stanislaus; "Kayyem, Juliette" <juliette.kayyem@dhs.gov>; Diane Thompson; "sericsson@omb.eop.gov" <sericsson@omb.eop.gov>; Mark.W.Miller <Mark.W.Miller@noaa.gov>; "brenda.styer-gee@dm.usda.gov" <brenda.styer-gee@dm.usda.gov>; Mark Mjones; "DAVE.WHITE@usda.gov" <DAVE.WHITE@usda.gov>; "Rai, Vijai N" <Vijai_Rai@ios.doi.gov>; "Ericsson, Sally C." <Sally_C_Ericsson@omb.eop.gov>; "Boots, Michael J." <Michael_J_Boots@ceq.eop.gov>; "McPhillips, Alex" <Alex_McPhillips@omb.eop.gov>; "Hight, Courtney" <Courtney_Hight@ceq.eop.gov>; "monica.medina@noaa.gov" <monica.medina@noaa.gov>; Bob Perciasepe; Margaret Spring <margaret.spring@noaa.gov>

Subject: FW: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Attached is the CEQ guidance referenced on the 1500 phone call for FYI and distribution as appropriate.

Catherine

Catherine Cesnik

U.S. Department of the Interior, Office of the Secretary

Office of Environmental Policy and Compliance

Deepwater Horizon Spill Response, National Incident Command, Washington DC

202-579-6023 blackberry| Catherine_Cesnik@ios.doi.gov

From: Greczmiel, Horst [mailto:Horst_Greczmiel@ceq.eop.gov]

Sent: Wednesday, May 12, 2010 12:55 PM

To: charlie.walthall@ars.usda.gov; terry.roark@ars.usda.gov; mrozum@nifa.usda.gov; david.a.bergsten@aphis.usda.gov; matthew.ponish@wdc.usda.gov; matt.harrington@wdc.usda.gov; Carbone, Joseph; Karkula, Ken; Twarkins, Martha; Sire, David E; Gaulke, Peter T; Richard.vaughn@ne.usda.gov; Terrell.Erickson1@wdc.usda.gov; howard.hankin@wdc.usda.gov; sarah.bridges@wdc.usda.gov; Julie.Hawkins@va.usda.gov; Linda.rodgers@usda.gov; mark.plank@usda.gov; richard.fristik@wdc.usda.gov; richard.lawrence@usda.gov; lois.schiffer@noaa.gov; gwalker@doc.gov; steve.kokkinakis@noaa.gov; cristi.reid@noaa.gov; Steve.Leathery@noaa.gov; Aileen.smith@noaa.gov; kleiphart@eda.doc.gov; dives@eda.doc.gov; fmonteferrante@ntia.doc.gov; Emily.Johannes@noaa.gov; Terry.Bowers@osd.mil; Maureen.Sullivan@osd.mil; Cheryl.Antosh@hqda.army.mil; leslie.gillespiemarthaler@hqda.army.mil; RathbunC@conus.army.mil; julius@hqda.army.mil; Mark.Matusiak@usace.army.mil; chip.smith@HQDA.army.mil; Suzanne.L.Chubb@us.army.mil; Lance.D.Wood@usace.army.mil; Ann.D.Navaro@lrdor.usace.army.mil; Jack.Bush@pentagon.af.mil; Tom.egeland@navy.mil; karen.foskey@navy.mil; nicole.pak@navy.mil; sue.goodfellow@usmc.mil; Ann.Engelberger@dla.mil; vannessj@dodgc.osd.mil; carol.borgstrom@hq.doe.gov; carolyn.osborne@eh.doe.gov; matthew.mcmillen@hq.doe.gov; carol.hammel-smith@hq.doe.gov; kspierce@bpa.gov; collins@wapa.gov; edward.pfister@hhs.gov; apiesen@hrs.gov; gec2@cdc.gov; acd7@cdc.gov; raanan.bloom@fda.hhs.gov; Emily.McVey@fda.hhs.gov; ceirkson@cvm.fda.gov; barry.hooberman@fda.hhs.gov; William.lamont@fda.hhs.gov; sftzpat@oc.fda.gov; webber@cder.fda.gov; stephen.aoyama@ihs.gov; nottingv@mail.nih.gov; david.reese@dhs.gov; Robert.McMenamin@dhs.gov; edward.f.wandelt@uscg.dhs.gov; Kebby.Kelley@uscg.mil; Cristal.Fosbrook@uscg.mil; christopher.oh@dhs.gov; angela.gladwell@dhs.gov; jomar.maldonado@dhs.gov; Laura.shick@dhs.gov; susan.hathaway@dhs.gov; kathryn.jones@dhs.gov; andrew.bouie@dhs.gov; martin.fife@dhs.gov; willis.hunter@dhs.gov; antoinette.sebastian@hud.gov; charles.bien@hud.gov; Christopher.h.hartenau@hud.gov; Walter.Prybyla@hud.gov; Roma.Campanile@hud.gov; Joseph.Devlin@hud.gov; Jeremiah.J.Sanders@hud.gov; Joseph.Devlin@hud.gov; Taylor, Willie R; Rai, Vijai N; Whittington, Tammy; Walsh, Patrick; Nelson, Lindy; jfbennett@mms.gov; deMonsabert, Winston R; Davis, G. Vermell; Wilson, Judith; Todd, Marci; Meyers, Sandra; Treasure, Donald W; Coykendall,

Arthur C; Carter, Pat; Nash, Stephanie; Eng, Esther; Guillermo.Montero@usdoj.gov;
andrea.berlowe@usdoj.gov; Charles.Findlay@usdoj.gov; chau.h.tran@usdoj.gov;
Ellen.Harrison@usdoj.gov; blyles@bop.gov; john.pensinger@usdoj.gov; emily.gallas@usdoj.gov;
Catherine.Shaw@ic.fbi.gov; Melissa.FieriFetrow@usdoj.gov; stone.robert@dol.gov;
matuszakjm@state.gov; orlandoea2@state.gov; camille.mittelholtz@ost.dot.gov; Helen.Serassio@dot.gov;
mike.bates@ost.dot.gov; amy.coyle@dot.gov; michon.washington@faa.gov; Thomas.Cuddy@faa.gov;
carol.adkins@dot.gov; lamar.smith@dot.gov; Bethaney.bacher-gresock@dot.gov;
joseph.ossi@fta.dot.gov; nepalialison@fta.dot.gov; carl.bausch1111@dot.gov; andrea.martin@dot.gov;
Daniel.Yuska@dot.gov; david.valenstein@dot.gov; sherri.pappas@dot.gov; amelia.samaras@dot.gov;
elaine.walls@fmcsa.dot.gov; michael.johnsen@dot.gov; MCNEPA@fmcsa.dot.gov;
rebecca.schade@dot.gov; brian.cromie@sls.dot.gov; carrie.mann@sls.dot.gov;
paul.valihura@volpe.dot.gov; allwell@volpe.dot.gov; cassandra.allwell@volpe.dot.gov;
rutsonv@stb.dot.gov; Christa.Dean@stb.dot.gov; stephen.wallace@do.treas.gov;
Eric.Bradley@do.treas.gov; greg.parvin@occ.treas.gov; michelle.deGrandi@va.gov;
phillipa.anderson@va.gov; Cynthia.cordova@va.gov; sue.nogas@va.gov; catherine.johnson7@va.gov;
Sara.Kemme@va.gov; Cameron.gore@va.gov; johnson@access-board.gov; cvaughn@achp.gov;
wdoyle@arcticgas.gov; dhughes@arc.gov; choward@arc.gov; jcartwright@arc.gov; joe.woo@afrrh.gov;
timothy.cox@afrrh.gov; keith.bates@frb.gov; rfranklin@cpsc.gov; ccollier@drbc.state.nj.us1;
trinner@denali.gov; bromm.susan@epa.gov; Hargrove.Robert@epamail.epa.gov;
depaul.kimberley@epa.gov; DykstraG@fca.gov; aliza.katz@fcc.gov; lee.martin@fcc.gov;
mwagner@fcc.gov; dabeyta@fcc.gov; james.swartz@fcc.gov; donald.johnson@fcc.gov; byellin@fdic.gov;
mark.robinson@ferc.gov; ann.miles@ferc.gov; julia.bovey@ferc.gov; steve.hocking@ferc.gov;
jennifer.hill@ferc.gov; Edward.Abrams@ferc.gov; kgregory@fmc.gov; jdaly@ftc.gov;
raheem.cash@gsa.gov; bernard.schafer@gsa.gov; bryan.steverson@gsa.gov; mgosliner@mmc.gov;
binghamc@mcc.gov; schehltp@mcc.gov; Kathleen.E.Callister@nasa.gov; James.Leatherwood-
1@nasa.gov; david.levy@ncpc.gov; peter.coppelman@ncpc.gov; fkressman@ncua.gov; eliask@arts.gov;
jacobsn@arts.gov; Mehaffy, Bradley; richard.turtill@nrc.gov; Andrew.Pessin@nrc.gov;
Joan.olmstead@nrc.gov; Richard.Raione@nrc.gov; cblanco@nsf.gov; dthibode@nsf.gov;
hesmith@nsf.gov; bhoutman@nsf.gov; mboom@opic.gov; jpelka@presidiotrust.gov; laroched@sec.gov;
gary.fox@sba.gov; eric.benderson@sba.gov; Darryl.hairston@sba.gov; erma.gaines@sba.gov;
laraine.williams@ssa.gov; cpnicholson@tva.gov; blyeager@tva.gov; jhester@usaid.gov;
eclesceri@usaid.gov; ghigginbotham@usaid.gov; carrie.m.branson@usps.gov;
mrodriguez@vallescaldera.gov

Cc: Boling, Edward A.; Hassell, Mary D.; Gastner, Kate; Shawley, Dianne M.; Solomon, Rhonda R.;
Higdon, Matthew S.; Carson, Jonathan K.; Guzy, Gary S.; Shah, Tarak N.

Subject: NEW CEQ GUIDANCE: Emergency Response Actions and NEPA

Importance: High

Today Chair Sutley signed the attached guidance which reaffirms and updates the Sept 2005 guidance on how to consider NEPA when planning actions that are necessary in a time frame that does not provide time for the usual NEPA process.

Regards, Horst

Horst Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
202-395-0827
HGreczmiel@ceq.eop.gov



Please consider the environment before printing this e-mail

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: USCG FOSC Guide to Environmental Response

Edwin Quinones to: EOC OGC, James Bove, Johnpc Fogarty, Mary-Kay Lynch, MichaelG Lee

05/14/2010
04:22 PM

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 04:21 PM -----

Fw: USCG FOSC Guide to Environmental Response

Nancy Jones to: Edwin Quinones

05/14/2010
12:10 PM

See below - might answer some of the questions OGC is posing on OSC authority.

Sent by EPA Wireless E-Mail Services

▼ [Steve Mason](#)

----- Original Message -----

From: Steve Mason
Sent: 05/14/2010 12:04 PM CDT
To: R6 OSC
Subject: USCG FOSC Guide to Environmental Response

Have not had a chance to review this, but I found it while doing some research... it was written by the Strike Team for USCG FOSCs.... might be helpful on some general stuff...



Faithfully yours
Steve

"Frequently, my thoughts get bored and walk
down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/17/2010 03:27 PM -----

Fw: Interim Solidifier Policy

Edwin Quinones to: EOC OGC, Lee Tyner, Mary-Kay Lynch

05/14/2010
04:26 PM

Cc: Ben Harrison

FYI

----- Forwarded by Edwin Quinones/R6/USEPA/US on 05/14/2010 04:26 PM -----

Re: Interim Solidifier Policy 

Steve Mason to: Edwin Quinones

05/14/2010
04:23 PM

Sorry, I forgot to attach the Policy itself....



Faithfully yours
Steve

"Frequently, my thoughts get bored and walk
down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

▼ Edwin Quinones---05/14/2010 04:13:47 PM---Hi Steve. Was there supposed to be an attachment or a website link to your e-mail below? Ed Q. x803

From: Edwin Quinones/R6/USEPA/US
To: Steve Mason/R6/USEPA/US@EPA
Date: 05/14/2010 04:13 PM
Subject: Re: Interim Solidifier Policy

Hi Steve,

Was there supposed to be an attachment or a website link to your e-mail below?

Ed Q.
x8035

▼ Interim Solidifier Policy

Interim Solidifier Policy

Steve to: Aimee.Beveridge, barry.joffrion, bonnie.mckelvey, Brit.Featherston, buzz.martin, 05/14/2010
Mason byron.ellington, camille.r.destafney, campagna.philip, carroll.craig, charlie.henry, 03:34 PM
chris.foreman, constantine.g.marinos, dan.crawford, dana.bahar,
daniel.e.jaramillo, david.w.sills, dedrick.hoskins, Dewayne.White, don.macpherson,
donald.hall, fred.liebe, gary.a.stangeland, gary.gordon, gene.dunegan,
greg.pollock, gregory_hogue, Harold.Wright, hilary.gafford, James_Loach,
James.E.Hanzalik, james.wallace, jeff.meyers, jessica.white, jet.hays, Jim_Conroy,
jimoverman, jlewelli, john.haynes, john.tintera, jt.ewing, jtemperilli, karen.g.price,
Karolien.Debusschere, kcrunk, kenny.harmon, Larry.I.Mendoza, lavern-young,
lee.shin, linda.howell, lorie.lafon, louis.lightner, lynne.moss, manuel.espinosa,
marcus.hatley, mason.steve, michael.baccigalopi, mick.cote, mike.davenport,
mike.goldsworthy, monty.elder, mould.kevin, Parette, patrick.brady, Patrick.neal,
paul.d.krebs, Paul.Gilbreath, peter.ricca, Peter.troedsson, petersen.chris,
PoynterRM, Richard.mcdaniel, rick.shutt, robert.hominick, roland.guidry,
rsimmons, Russ.Peery, smcdonald, spweaver, stephen_spencer, stephen.connolly,
stephen.hurst, Syed.M.Qadir, tjobrien, vanderhoff, wade.parks, webb.christine,
wheeler.young, william.gibson, william.gross1, william.miertschin,
William.w.goetzee, wingo.dean, young.patrick

Cc: Edwin Quinones, Mark Hansen, Sam Coleman, Ronnie Crossland

Thanks to all agencies that voted to concur on the Interim Solidifier Policy for Region 6...

11 out of 15 of the primary federal agencies voted, all concurring on the Policy
4 of the 5 State primary agencies voted, all concurring on the Policy; one alternate State agency did not concur

Therefore, the policy has been adopted....

Here is a copy for your records....

I will post to the RRT webpage under Approvals...

As indicated, a permanent vote will be at the next scheduled RRT meeting.

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk
down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax